



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

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 9 OF THE CONVENTION

Fifteenth periodic report of States parties due in 1999

Addendum

Greece*

[9 March 2000]

* This document contains the twelfth, thirteenth, fourteenth and fifteenth periodic reports of Greece due on 18 July 1993, 18 July 1995, 18 July 1997 and 18 July 1999 respectively. For the eighth, ninth, tenth and eleventh periodic reports of Greece and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/210/Add.1 and CERD/C/SR.940, 941, 950.

I. INTRODUCTION

1. In the previous reports to the Committee, the Greek Government outlined the general context and presented specific details on its legislation, including its Constitutional provisions, policy and practice regarding the elimination of all forms of racial discrimination.
2. The present report provides information on recent legislation, case law and practice regarding developments in the application of the principle of non-discrimination and in promoting effective equality. The information provided below focuses mainly on the questions and the remarks raised by the members of the Committee on the occasion of the examination of the previous Greek reports.
3. The Greek Government would like to express its appreciation to the Committee for the important task it has been performing in order to curb racial discrimination and incitement to racial hatred over the years. In the view of the Government, the cooperative spirit in which the Committee carries out its constructive dialogue with member States facilitates the adoption by the latter of concrete steps which prevent and suppress discrimination against human beings. The Greek Government expresses, however, its regret at the delay in the submission of its periodic reports, which is mainly due to the fact that new legislation and practice on matters falling within the competence of the Committee were adopted only recently. However, it should be emphasized that the Greek Government has always complied with its obligations under the Convention, which it considers to be of great importance.

II. GENERAL LEGAL FRAMEWORK

A. Ratification or signature of international human rights instruments: recent developments

4. Since the submission of its last report, Greece has ratified, without reservations or interpretative declarations, the International Covenant on Civil and Political Rights, as well as the First and Second Optional Protocols thereto (Law No. 2462/1997). It has also ratified Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty; the Protocol amending the European Social Charter; the Additional Protocol to the European Social Charter, providing for a system of collective complaints; the European Convention on the Exercise of Children's Rights. In the field of the protection of human dignity, Greece has ratified the Convention on Human Rights and Biomedicine and its Additional Protocol on the Prohibition of Cloning of Human Beings, as well as Protocols Nos. 1 and 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.
5. Greece has also signed the Council of Europe Framework Convention for the Protection of National Minorities; the European Convention on Nationality; the revised European Social Charter; and the Statute of the International Criminal Court.
6. Greece intends to accept as soon as possible the right of individual complaint under the Convention on the Elimination of All Forms of Racial Discrimination.

B. Enforcement of human rights instruments by domestic courts

7. Greek courts base their decisions more and more frequently on the provisions of international human rights instruments, which are, thus, directly applicable by the courts and other tribunals or administrative authorities. Due attention is also given by the Greek courts to the case law of international judicial or quasi-judicial bodies when interpreting human rights instruments.¹

8. It should be noted that the provisions of the International Covenant on Civil and Political Rights have been made widely known to lawyers and judges, and this is proved by the fact that the courts are willing to rely on the principles and guarantees set forth in the Covenant. An indicative example in this respect is the recent refusal of the Greek courts to apply, on the basis of article 2, paragraph 4 of the Covenant, the provisions of article 8 of Law 2097/1952, which provides for State immunity from execution (Athens Court of First Instance, 20976/1999).

C. National machinery with responsibility of overseeing the implementation of human rights

9. In recent years, the Greek Parliament has set up independent State agencies or committees, whose aim is to protect and promote human rights in general and the principle of non-discrimination in particular.

(a) The National Radio and Television Council oversees the implementation of legislative and other provisions against racism, xenophobia and incitement to hatred in the field of the electronic media. In this context, regulation 3/1991 of the Council provides that radio and television stations are obliged not to broadcast advertisements introducing discrimination based on race, gender, religion or nationality. Moreover, article 5 of regulation 1/1991 (Code of Journalistic Deontology) provides that it is not permitted to present persons in a way which might, under the specific circumstances, foster humiliation, social exclusion or discrimination by the public on grounds, especially, of gender, race, nationality, language, religion, ideology, age, illness or disability, sexual orientation or profession. According to article 2, paragraph 5 of the draft Code of Deontology for Information and Other Journalistic and Political Programmes, it is absolutely not permitted to refer to persons accused or convicted with no other identification than ethnic origin or religious beliefs. More generally, reference to ethnic origin or religious beliefs of persons suspected of having committed criminal offences is to be avoided;

(b) The Authority for the Protection of Personal Data, instituted by Law 2472/1997, is entrusted with the mandate to regulate the collection and processing of "sensitive" personal data, such as those concerning race, ethnic origin, political opinions, religious beliefs, etc., which might lead to a violation of the principle of non-discrimination. Storage and processing of such data is permitted only in exceptional circumstances, subject to authorization by the aforementioned Authority;

(c) Law 2477/1997 instituted the Greek Ombudsman's Office. The Ombudsman ("Defender of the Citizen") is appointed by the Council of Ministers following a proposal by the Parliamentary Committee on Institutions and Transparency, and enjoys full independence from government instructions in exercising his functions. The Office of the Ombudsman began its

work in September 1998 and, during the first year of its existence, it received several thousands of complaints. There are currently four sections, dealing respectively with human rights issues, relations between the Administration and the public, quality of life and social protection. Alleged victims of racial discrimination may apply to the Ombudsman in order to seek an extrajudicial settlement of any dispute with the Administration;

(d) Law 2667/1998 establishes a national commission on human rights, composed of representatives of non-governmental organizations, political parties, Bar Associations, independent State agencies, trade unions, university professors, government officials, Supreme Court judges. The main aims of the Committee are research and promotion of human rights, submission of reports and proposals, monitoring of the compliance of the Greek legal order with international human rights standards, raising the awareness of public opinion and the media on human rights issues, drafting of an annual human rights report, the creation of a documentation centre on human rights, etc. In January 2000, the Committee met for the first time and elected its President. Without any doubt, issues of non-discrimination will be on the agenda of the National Committee.

III. ARTICLES OF THE CONVENTION

Article 1

10. In 1998, the Council of State accepted explicitly the need to adopt positive measures in order to attain effective gender equality and considered that affirmative action policies are in conformity with the Constitution. The Council of State held that “in case where one may find that a certain category of persons has been discriminated against due to such social prejudices so that the inflexible application of equality would result to a façade of equality, while in fact it consolidates and perpetuates the existing inequalities, the adoption by the legislator ... of appropriate and necessary positive measures in favour of such categories ... until such time as real equality is established, fully conforms with the spirit of the constitutional principle of equality. Consequently, if such conditions exist, the adoption of positive measures in favour of women with a view to accelerating the attainment of effective equality between men and women is not contrary to the Constitution” (decisions 1917-1929/1998 and 1933/1998).

11. The above case law concerning gender equality is also relevant to acts considered discriminatory when they are based on race, colour, descent, national or ethnic origin and they have the purpose of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms. In these cases, positive measures taken with a view to achieving not only de jure but also de facto equality are fully consistent with paragraph 4 of article 1 of the Convention.

Article 2 (Policy of eliminating racial discrimination in all its forms)

12. Since the submission of the last Greek report and its consideration by the Committee in August 1992, the Greek Governments have made serious efforts for the elimination of all forms of discrimination in the Greek society through the adoption of concrete legislative or other measures aimed at promoting effective equality among individuals. In this respect “vulnerable” groups within Greece, such as Roma people and their children, migrant workers, refugees and

asylum-seekers, and their human rights situation, are at the core of the concern of the authorities. In addition, new measures have been envisaged in order to facilitate the integration of migrant workers into the social, economic and cultural life of the country. A draft immigration bill is actually pending before Parliament. The main lines of the proposed measures are described below.

1. Muslim minority in Thrace

13. Similarly, special attention is given to the Muslim minority of Thrace and several measures have been taken in order to improve its living conditions and to create a regime of effective equality with the majority population. Integration of the members of this minority in the political, economic, social and other fields of the Greek public life as well as its peaceful coexistence with the Christian majority is another objective that all Greek Governments strive to fulfil. More specifically:

Statistical data and self-identification

14. According to the latest census, which took place in 1991, the Muslim minority of Thrace numbers approximately 98,000 out of a total of 338,000 inhabitants of this area, i.e. 29 per cent of the local population and 0.92 per cent of the total population of Greece of 10.62 million.

15. This minority consists of three ethnic groups whose members are of Turkish origin (50 per cent of the minority population), Pomaks (an indigenous population that speaks a Slavic dialect and espoused Islam during Ottoman rule) (35 per cent of the minority) and Roma (15 per cent of the minority population). Each of these groups has its own distinct spoken language and cultural tradition. They share, however, a common religion (Muslim) which is the basic reason for the denomination of the minority in its entirety as "Muslim" in the Lausanne Treaty of 24 July 1923, which constitutes the legal basis for the protection of this minority.²

16. In this connection it would be useful to make a few comments on the issue of the self-identification of the Muslim minority of Thrace, which has been a point of criticism by some NGOs. First of all it should be stressed that the Greek authorities subscribe to the international standards which regulate this issue, and, in particular, to article 3 of the European Framework Convention for the Protection of National Minorities.³ The latter provides that "every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as a member [of that minority] and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice". However, as the explanatory report to this article points out, the above right cannot be exercised arbitrarily but it should be based on the existence of objective criteria relating to the identity of these individuals.

17. The Greek Government does not deny the application of this principle to persons who belong to the Muslim minority. In fact every member of this minority is free to declare his/her ethnic origin (be it Turkish, Pomak or Roma), speak and learn his or her own language and exercise his or her own religion, customs and traditions.

18. The attempt, however, to identify the entire Muslim minority of Thrace as "Turkish" is, in the view of the Government, unjustifiable and goes against existing realities. It is also against

the spirit and purpose of the European Framework Convention, which also protects the members of minority groups from being assimilated into other groups by reason of their size. Despite the many problems that undeniably exist, the Greek Government makes every effort to preserve and promote the identity of the Muslim minority of Thrace and the special characteristics of the identity of its members. These efforts are described below.

Participation of the minority in political life

19. The members of the Muslim minority actively participate in Greek political life and a good number of them are members of political parties. During parliamentary elections, all political parties include in their electoral lists Muslim candidates. In almost all successive Parliaments from 1927 onwards, Muslim deputies were elected (usually two). At the parliamentary elections of 1996, almost all Greek political parties were represented with Muslim candidates in the Prefectures of Xanthi and Rhodopi where the Muslim minority lives. More specifically, in the Prefecture of Xanthi, there were seven Muslim candidates coming from seven different political parties, while in the Prefecture of Rhodopi, seven Muslim candidates came from four political parties. Both the party in Government (PASOK) and the main opposition party (New Democracy) were represented with three Christians and one Muslim candidate in the Prefecture of Rhodopi. Eventually, three Muslim candidates were elected, one from each of the three major political parties. Thus, there are 3 Muslim deputies among the 300 members of the Greek Parliament, whose number happens to correspond to the percentage of the Muslim population to the total population (i.e. 0.92 per cent).

20. In the communities where a Christian majority lives, it is quite common to have a considerable number of Muslims elected as municipal councillors, while in those municipalities where the Muslim element is in the majority, a Muslim mayor is elected. Muslim prefecture councillors are also elected in the Prefectures of Xanthi and Rhodopi. In particular, during the recent local elections of October 1998, 11 Muslim mayors of cities and municipalities were elected as well as 14 prefecture councillors.

21. The electoral law, which fixes the level of eligibility at 3 per cent at the national level, aims at securing a stable parliamentary majority and is neutral per se, i.e. it applies to all political parties. The threshold of 3 per cent is modest, when compared to the electoral laws of other European democracies and does not preclude members of the Muslim minority from fully enjoying their political rights. The relevant legislation was challenged before the European Commission of Human Rights (application No. 25758/1984, Ahmed Sadik v. Greece), which held that the threshold of 3 per cent is not contrary to article 3 of Protocol No. 1 to the European Convention (right to free elections) and declared the application manifestly ill-founded.

Educational rights of members of the Muslim minority

22. The Greek State, and the Ministry of Education in particular, consider the education of the Muslim pupils a matter of high priority. Concrete proof of this are the credits allotted every year for the running costs, maintenance and improvement of the minority schools. In 1998, in particular, 61,600,000 drachmas (approximately US\$ 200,000) were spent for running costs, 289,364,000 drachmas (US\$ 940,000) for new construction, 139,126,000 drachmas (US\$ 452,000) for repairs and 100 million drachmas (US\$ 325,000) for educational materials for

these schools. Today there are 227 primary minority schools in Thrace. Courses are taught in the Greek and Turkish languages as stipulated in Part V of the Lausanne Treaty of 1923 under the heading "Protection of minorities". The number of Muslim teachers employed in these schools is 422. More than half of them (275) are graduates of the Special Pedagogical Academy of Thessaloniki, 48 are graduates of the secondary education schools i.e. gymnasiums and Koranic schools, 90 are graduates of schools in Turkey and 9 are Turkish nationals, appointed for a set period of time according to the provisions for the exchange of teachers between Greece and Turkey contained in the 1968 Bilateral Cultural Protocol.

23. Two minority secondary education schools operate in the cities of Xanthi and Komotini, capital cities of the Prefectures of Xanthi and Rhodopi respectively, where the Muslim minority is mainly situated. The schools are housed in buildings provided by the Greek State. Both the Greek and the Turkish languages are used for the education of the students in these schools. Twelve Muslim Greek teachers, graduates of Turkish universities and seven Turkish nationals (as provided by the 1968 Bilateral Cultural Protocol) are employed. It is true that the infrastructure and capacity of these schools does not allow for the admission of the total number of students interested in pursuing their education. Thus selection for admission is by lot, as is the case in other Greek private schools. This measure has come under criticism by members of the minority. However, it must be kept in mind that for all practical purposes almost all of the candidates are finally admitted by means of a decision issued yearly by the Secretary-General of the Region of Eastern Macedonia - Thrace on the basis of a recommendation by the Coordinator of Minority Education. During the current academic year 98 per cent of the surplus applications for admission were accepted while the authorities also agreed to include among the eligible applicants even those who submitted their application belatedly.

24. It must also be mentioned that in Thrace and in the remote mountainous area in Xanthi where the Pomaks live, in particular, the State has set up and is financing the operation of Greek-language secondary schools (gymnasiums) in which the teaching of the lesson of religion in the Turkish language and the teaching of the Koran in Arabic have been introduced. Furthermore the State finances the commute to the schools for those students for whom the distances are too prohibitive. During the academic year 1997-98, 60 million drachmas (US\$ 195,000) were spent for carrying students to and from the Glafki Lyceum and the Sminthi, Echinis, Glafki and Thermae gymnasiums of Xanthi Prefecture.

25. Yet another positive development in the education of the minority is the adoption of Law 2621/1998, whereby the two Koranic schools of Komotini and of Echinis in Xanthi Prefecture have been recognized as equivalent to the religious studies lyceums of the country. The Pedagogical Institute of the Ministry of Education is currently working on the new curriculum.

26. Currently, there is a positive climate of cooperation between the Ministry of Foreign Affairs and the Turkish Embassy in Athens concerning the exchange of schoolbooks for the use of Muslim students in Thrace and students of the Greek minority in Turkey. The relevant provisions are part of the 1968 Bilateral Cultural Protocol in the form of recommendations. The Turkish side submitted 19 titles for approval by the competent authority, i.e. the Pedagogical Institute of the Ministry of Education. The latter checked their content, concluding that the textbooks conform to the necessary educational standards for primary education. This

assessment puts a new positive slant on the issue of the exchange of textbooks, as books submitted by the Turkish side in the past were on the whole considered inadequate to cover the educational needs of the minority. The last time such books were submitted was in 1992-93. In order to make up for the lack of progress, the Greek Ministry of Education undertook the writing and publication of Turkish-language textbooks for use in the first five years of primary school which, according to the assessment of all the experts, fulfilled the educational and pedagogical norms. Unfortunately the distribution of these books met with the organized and guided reaction of certain circles of the minority and were never put to use.

27. The Government also pays particular attention to the improvement of the skills of pupils in the Greek language. Two educational programmes are currently being implemented and both have yielded positive results. The first is the "Programme for the Education of Muslim Children" and has been designed by the Assistant Secretariat for the Education of Greeks Abroad and Multicultural Education of the Ministry of Education in collaboration with the Athens National Capodistrian University. Its aim is the publication of textbooks for the teaching of the Greek language to students with a different mother tongue, the study of special educational programmes, the training of both Christian and Muslim teachers in the teaching of Greek as a second language and in the modern pedagogical and didactic methods, using new technology. The programme is financed by the European Union with approximately 1.2 billion drachmas (US\$ 3,896,000). The second is the "Multicultural Educational Support for Student Groups in Thrace". Designed by the National Youth Foundation, it is also financed by the European Union with 585 million drachmas (US\$ 1.9 million). Its aim is to facilitate the adaptation of students to the Greek educational system and alleviate the cost of education for families in need by providing free supplementary education. Another programme that was successfully put into practice in August and September 1998 was the programme for the support of Muslim students in secondary education, particularly for first-year students in the gymnasiums and students having failed their examinations.

28. As far as tertiary education is concerned, Greek law provides for a special quota of 0.5 per cent for the admission of minority students to Greek higher education institutions. When the new law was put into force in the academic year 1996/97, 70 minority students out of 84 candidates were admitted to higher education institutions. In the academic year 1997/98 the number increased to 114 students, while during the year 1998/99, 112 students were admitted.

29. The Ministry of Education has also initiated the process for the integration of the Special Pedagogical Academy of Thessaloniki - from which the teachers employed in the minority schools graduate - in the university education system. To this end, a presidential decree is under consideration which will establish a Department of Muslim, Pedagogical and Theological Studies at the Aristotelian University in Thessaloniki. In order to enhance the quality and continuity of teaching in minority schools, the law requires that advanced qualifications - including teacher training, graduate studies, foreign language skills and familiarity with other cultures, civilizations and religious practices - be taken into account during the appointment of teachers to minority schools. The law also introduces English-language courses at the primary school level. Furthermore, the law establishes special financial and retirement incentives for teachers who choose to teach at minority schools.

Religious freedoms

30. The Muslim minority in Thrace enjoys certain privileges pertaining to family (e.g. marriage, divorce) and inheritance matters. The spiritual leaders of the minority, the muftis, are vested with judicial powers over disputes between Muslims of their district concerning such family and inheritance matters. In passing his judgement, the mufti relies on Islamic law. The Greek courts (Supreme Court), in order to keep in line with Muslim customs, have ruled that the mufti is the minority's natural judge and that a Muslim may not bring a matter coming within the mufti's jurisdiction before a civil court.

31. In order, however, to reconcile Islamic law with the Greek public order and the international obligations of Greece, in particular, in the field of equality of (Muslim) women and men, a legislative document provides that the courts shall not enforce decisions of the muftis which are contrary to the Greek Constitution (Act 1920/1991, sect. 5 (3)).

32. The adjudication by the muftis is the main reason for which they have, since 1923, been appointed by the administration according to a transparent procedure in which prominent members of the minority have their say, proposing the candidates from which the muftis are chosen. The muftis are appointed by presidential decree following a recommendation of the Minister of Education and Religion.

33. In the past years, some members of the minority have contested the appointment of the muftis and instead have demanded that the muftis be elected. They even elected their own muftis despite the fact that there were legally appointed muftis in the districts of Xanthi and Komotini.

34. The European Court of Human Rights had the occasion to deal with this problem in examining a complaint brought against Greece by one of the "elected" muftis, who was imprisoned for having committed the crime of pretence of authority (judgement of 14/12/1999, Serif v. Greece). In that judgement, the European Court stated "that punishing a person for the mere fact that he acted as the religious leader of a group that willingly followed him can hardly be considered compatible with the demands of religious pluralism in a democratic society". The Court did not, however, deal with the overall competencies of the mufti and the legality of his appointment, since, given the circumstances of the case, it did not find that Mr. Serif had committed the crime of pretence of authority. The Greek authorities are ready to implement the above judgement of the Court and to find ways to solve this sensitive problem in cooperation with the minority.

2. Roma people in Greece

Educational rights

35. The situation of Roma people is of great concern to the Greek authorities, which has lately put a lot of effort into improving their standard of living. Despite these efforts, the situation is not entirely satisfactory. It is the understanding of the authorities that additional measures and a more balanced approach to the problems faced by this group is needed.

36. The Greek Parliament, in the context of parliamentary control procedures, has repeatedly examined questions related to social exclusion, acceptance by Greek society and integration to local communities of Roma/gypsies. A member of the Prime Minister's Office has been designated in order to coordinate the efforts and initiatives taken by the competent ministries and State agencies for the protection and promotion of Roma rights:

(a) In the Heraklion Prefecture, the authorities have taken a series of initiatives, among which are:

- (i) The establishment and functioning, for the fifth consecutive year, of a school for Roma children, as an annex to the 39th Primary School, with very positive results;
- (ii) The implementation of a programme for the cleaning of Roma sites, under the responsibility of the Direction for Public Health of the Prefecture, with equipment provided by the Prefecture;
- (iii) Visits of sanitary personnel to Roma sites and systematic vaccination on the spot;

(b) In the Prefecture of Attica, the municipality of Aspropyrgos allotted one of its sites for the temporary settlement of Roma people. Furthermore, four classrooms were built, at the municipality's expense, for the educational needs of Roma children;

(c) In the context of the national policy on housing, education, employment, health and cultural matters concerning Roma people, with a view to improving their living conditions and promoting social integration, the Prefecture of West Attica, in cooperation with the non-governmental organizations Hellenic Institute for Solidarity and Cooperation has implemented a pilot programme, entitled "West Attica society and Roma". This programme cofinanced by the Ministry of Interior, Public Administration and Decentralization and the European Commission aims at raising the awareness of Greek society on the problems encountered by Roma people and creating a comprehensive action plan in order to improve their situation.

37. The issue of the re-establishment of Roma people is a very complex process, comprising measures to improve infrastructure, support and inform Roma people, promote education and professional training and bring into action local communities.

38. The Ministry of Interior, Public Administration and Decentralization is implementing a programme of financing local government bodies for the improvement of social and living conditions of Roma people. In the course of 1999, 897,000,000 drachmas have been spent to this effect.

39. In the course of the school year 1996/97, the Ministry of Education and Religious Affairs embarked upon the implementation of a programme whose scope and range were nationwide, aiming at the integration in schools of children whose age calls for compulsory education and whose family background is traced to Roma or gypsies.

40. The programme, entitled “Education of Roma children” is financed by the Ministry of Education and Religious Affairs, with parallel cofunding by the European Union and is of a three-year duration. The University of Ioannina is the principal executing agency for the programme. The aims of the above-cited programme are follows:

(a) Mass admittance into and systematic attendance of Roma children in schools of compulsory education by means of a system facilitating enrolments, along with support provided to children by their parents in order that the former should put their trust in school, as well as by providing assistance to school in order that it may respond to its new role and overcome all inherent organizational disfunctions;

(b) Ensuring equal opportunities for learning and social integration to students of the target population;

(c) Recurrent training provided to teaching personnel, particularly in matters related to intercultural education and teaching methodology;

(d) Advancement of social learning, so that every student should look up to his/her schoolmate as a person possessed of the same characteristics, motives and aspirations, and endowed with the same rights, irrespective of any individual differentiation said person is likely to entertain;

(e) Fighting against deeply rooted prejudices which harbour and provide a mantle of legality to images/myths which are socially harmful for the Roma.

41. The methodology pursued is as follows:

(a) Collection and processing of data relative to the educational status of Roma children;

(b) Detection of factors placing a strain on the communication that is bound to exist between the educational institution and the family environment of the student;

(c) Setting up of a network of partners designed to build stable functional relationships between the school and the family environment of the target population;

(d) Production of teaching material relating to the acquisition of basic knowledge;

(e) Production of material geared to language teaching aimed at fostering anti-racist behaviour and providing anti-racist education to all children;

(f) Organization and operation of a monitoring and intervention unit in instances where discriminating behaviour has been noted on the part of the educational organization;

(g) The refresher training courses, which:

(i) Operate nationwide;

- (ii) Operate on a system of decentralized activities and respond to local particularities;
- (iii) Are based on the participation of persons undergoing such training.

42. The programme aims at intervening critically in the battle against any stereotyped model of thought by the production of teaching material whose topics are drawn from the Roma culture and by the creation of back-up lexicographic material.

43. Moreover, the system of the “card for itinerant students” established by the Ministry of Education has greatly facilitated the enrolment of Roma children in schools.

44. Already the policy pursued has brought some positive results, since the number of Roma children attending schools has increased by 30 per cent.

3. Migrant workers, refugees, asylum-seekers

45. During the 1990s, Greece experienced a wave of legal and illegal immigration. A country of emigration since the end of World War II, Greece became a country of immigration. Greek authorities have stepped up their efforts in order to ensure the integration of immigrants into the Greek society:

(a) The procedure for the legalization of migrant workers is currently under way. The deadline for registration and submission of the application for the granting of a “green card” has expired. Many aliens are already holders of a green card or of the certificate for its granting. As of June 1999, 373,196 aliens have been registered; 52,936 aliens have obtained a “white card”, which enables them to reside and work legally in Greece on a temporary basis; 225,691 applications for the granting of a “green card” have been submitted; 28,077 favourable decisions have been taken; and 22,981 “green cards” have been issued;

(b) Presidential Decrees 358 and 359/1997 establish full equality of rights in employment (mainly in the fields of salary, working conditions and social security) between Greek citizens and all foreign nationals legally working in Greece;

(c) Presidential Decree 189/1998 on conditions and procedures for the granting of work permits (to dependent as well as independent workers) or other assistance for integration in the economic life of the country of recognized refugees, asylum-seekers and temporary residents for humanitarian reasons provides the legal basis for measures aiming at facilitating the integration of refugees in Greek society. Refugees can obtain a work permit on more favourable terms and conditions than other aliens, as no preliminary authorization is required. The right to professional training is recognized for refugees on the same conditions as for Greek citizens;

(d) A new Presidential Decree (No. 61/99) on asylum procedures was put into effect in June 1999. The Decree provides close cooperation between Greek authorities and representatives of the United Nations High Commissioner for Refugees and lays down rules and conditions for the exercise of the right of refugees to family reunion;

(e) A new draft immigration bill is currently before Parliament, aiming at the integration of immigrants into Greek society, the protection and promotion of their human rights as well as the strengthening of legal safeguards against discrimination. The basic principles of this draft are in full conformity with international standards for the protection of migrant workers and their human rights. More specifically, these principles are as follows:

- (i) Aliens, irrespective of whether they are legally or illegally in Greece, enjoy all human rights guaranteed by municipal law, international treaties and general principles of law. The draft underlines the right of migrant workers to enjoy judicial protection and to have access to public authorities and civil services;
- (ii) Legal aliens enjoy equal treatment with Greek citizens in matters of access to justice, social welfare, social security and health care, school attendance, participation in cultural life, vocational training, liberty of association, trade union liberties and exercise of the freedom of religion;
- (iii) Aliens holders of work or residence permits for an indefinite period of time, enjoy, in principle, equal treatment with Greek and European Union citizens concerning access to dependent and independent professions, as well as to vocational training;
- (iv) Aliens detained in prison enjoy equal treatment with Greek citizens, particularly in matters of social reintegration and respect for their religious beliefs. They are immediately informed of their rights and duties, in a language which they understand. Legal aliens enjoy equal rights to social security benefits;
- (v) All forms of discrimination on grounds of race, ethnic origin, nationality or religion affecting the enjoyment of rights and freedoms in political, economic, social, cultural and all other forms of public life are prohibited;
- (vi) Alien minors residing in Greece are subject to the nine years of compulsory school education, as are Greek pupils. The guiding values of the education system are mutual respect, acceptance of linguistic and cultural differences, tolerance and cross-fertilization of cultures. Provision is made for optional teaching of the mother tongue and culture of foreign students.

4. Linguistic and educational rights of aliens

46. An intercultural school in Athens, whose 60 per cent of student population consists of children of internal migrants, members of the Muslim community from Thrace, as well as of children of recent migrants from Albania, is applying experimentally a programme relating to refresher training of teachers and a model all-day teaching curriculum.

47. Specifically, the recurrent training of the teachers of the all-day school covers the following issues: tackling different cultural identities, understanding bilingualism, tackling the

social causes of school failure, learning Greek as a second language, procedures pertaining to harmonious integration in school, new teaching techniques, pedagogical principles designed to boost learning incentives in children and principles affecting intercultural education.

48. There are currently 20 intercultural schools (primary schools, secondary education schools, lyceums). In schools with a significant number of Albanian and Russian-speaking pupils, the Ministry of Education has appointed Albanian and Russian-speaking teachers in order to provide special assistance to these pupils.

5. Training of law enforcement officials and public servants

49. Greek authorities have taken special measures in the light of the Committee's General Recommendation XIII (42) adopted on 16 March 1993, accorded to which law enforcement officials should receive intense training to ensure that in the performance of their duties they respect as well as protect human dignity and maintain and uphold the human rights of all persons without distinction as to race, colour or national or ethnic origin.

50. The annual programme for the refresher training of Greek police personnel includes among others, topics concerning aliens, passport control, immigration, the right to asylum, regularization, work and residence permits of aliens, etc. In the Department of Professional Training of Staff Officers, the following courses are taught:

- (a) Meaning and causes (social, political, cultural and economic) of racist and xenophobic crimes, domestic legislation for the prevention and repression of such crimes;
- (b) Contribution of the Police to the integration of aliens and the eradication of racist and xenophobic violence;
- (c) Political asylum, refugees and the relevant Greek and European experience;
- (d) Freedom of movement and establishment of aliens;
- (e) Constitutional safeguards concerning arrest and detention;
- (f) Police and immigrants;
- (g) Roma, social behaviour, establishment and protection;
- (h) Fundamental rights;
- (i) Social minorities and inequalities.

51. During the training of border guards, special attention is given to the teaching of constitutional law, which includes matters such as the European Convention on Human Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and

Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment and Refugee law. Thus border guards are fully aware of their duty to respect human rights in accomplishing their mission.

52. The Ministry of Public Order cooperates closely with the UNHCR Office in Greece to keep police personnel continuously and immediately informed about human rights, especially immigrants' rights. Police agents and officers participate regularly in seminars, colloquies, conferences and lectures organized by non-governmental organizations. Recently, 30 officers of the Thessaloniki General Police Direction participated in a special training programme at Aristotle University of Thessaloniki on racism-xenophobia and violence, carried out in the context of the continuous training programme for police officers.

53. In the context of the training programmes cofinanced by the European Union, a special refresher training programme for police personnel in human rights issues is in the process of approval by the Ministry of Education.

54. Public servants involved in immigration issues participate in a series of refresher training seminars in the context of the European Union "Odysseus" programme, in cooperation with the Italian Ministry of the Interior. The aim of the aforementioned programme is the exchange of ideas and good practices as well as the solution of problems arising from legal or illegal immigration. In the programme against exclusion from labour market, cofinanced by the European Social Fund, special measures are included for the employment and professional training of immigrants, repatriated persons and refugees.

Article 4 (Measures to eradicate all incitement to, or acts of, discrimination in any form)

55. Law 927/1979 is the main legislative act aiming at penalizing: (a) incitement to discrimination, hatred or violence against individuals or groups because of their racial, ethnic and [by virtue of Law No. 1419/1984] religious origin; (b) establishment of, and membership in, organizations which produce organized propaganda or other activities aimed at racial discrimination; (c) public, oral and written expression of offensive ideas aimed at racial discrimination, and (d) the act of refusing to sell goods or supply services, or subjecting the aforementioned activities to special conditions, on racial grounds.

56. During the period under review, no convictions have been imposed on the basis of Law 927/1979. A committee of experts established in the Ministry of Justice is considering proposals to improve legislation aimed at repressing acts of racial discrimination. The draft immigration bill enables prosecuting authorities to press charges ex officio in the case of racist and discriminatory acts.

57. To date, no complaints have been filed before the competent authorities with regard to misbehaviour based on racial prejudice on the part of police officers towards refugees, legal or illegal immigrants and/or members of minority groups.

58. However, each time the competent department of the Greek police is notified of any violation linked to improper or unlawful behaviour on the part of police personnel against any

person, whether he or she belongs to any of the aforementioned groups or not, or to violations of human rights in general, disciplinary proceedings are immediately initiated against the alleged perpetrators, following the relevant disciplinary rules of the Greek Police Corps.

59. The issue of the protection of human rights of all persons living in Greece is of primary importance to the Greek police and is always dealt with in a responsible manner. The newly adopted disciplinary rules, which entered into force in 1996, provide for a special procedure aiming at the most urgent investigation of the relevant complaints by the competent authority. When the veracity of such allegations is proven, severe disciplinary sanctions are taken against the responsible police agents. If the disciplinary offences also constitute criminal acts, the Prosecutor's Office is informed, in order to institute criminal proceedings against the agents concerned.

Article 5 (Elimination of racial discrimination in the enjoyment of human rights)

Freedom of association

60. Aliens have the right to form and participate in associations, trade unions, etc. Greek courts have refused to apply Greek legislation, namely the relevant provision of the Civil Code (art. 107 of the Introductory Law to the Civil Code), which does not fully allow aliens to manage associations, as being contrary to the Constitution, the European Convention as well as the more general provisions of the Civil Code, namely article 4, which provides for the equal enjoyment of civil rights between nationals and aliens (see for instance judgement No. 4300/1996 of the Athens Court of First Instance).

61. In 1998, the European Court of Human Rights found a violation of article 11 of the European Convention by Greek courts, which refused to register an association, called "Home of Macedonian civilization", suspected of undermining the country's territorial integrity (European Court of Human Rights, Sidiropoulos v. Greece, 10 July 1998). The Court's judgement was communicated, by circular of the President of the Court of Cassation, to all courts and tribunals in Greece, in order to prevent similar violations of the right of association in the future.

Freedom of religion

62. Greek authorities have taken measures to ensure the equal enjoyment of religious freedom by persons who do not belong to the Eastern Orthodox Church.

63. Greek legislation empowers the Minister for Education and Religious Affairs with power to authorize the opening of places of worship. But this is clearly circumscribed and aims solely at ensuring that the conditions laid down by article 13 of the Constitution are met. If this is the case, the granting of the authorization may not be withheld and the authorities have no discretionary power in this respect. In the period 1994-1998, 84 applications for opening houses of worship were submitted; and were all approved. In 1999, 19 such licences were issued. Today, 18 applications are pending, the delay being due to the recent introduction of a new requirement, namely that the applicants should produce a certificate that the building of the proposed place of worship meets certain safety standards. The friendly settlement of the Pentidis case before the European Court of Human Rights, following the finding of violation by the Court

in the Manoussakis case, is an example of the effort to harmonize the practice of the Administration with the requirements of the Convention. Furthermore, in case the authorization is refused, the application for judicial review before the Supreme Administrative Court provides an effective remedy, as illustrated by the 1995 judgement of the Council of State in the Kirche Jesu Christi der Heiligen der Letzten Tage case. Moreover, the opinion of the local Orthodox Bishop is not binding on the Minister of Education and Religious Affairs, who may decide to disregard it if he considers that it is not supported by reasons prescribed by law.

64. In February 2000, the Minister for Foreign Affairs, following a meeting with senior diplomats, reiterated the commitment to step up procedures for the construction of a mosque in Athens.

65. Law 1363/1998 criminalizing proselytism has been found, at least in principle, in conformity with the European Convention on Human Rights by the European Court of Human Rights. Greece was condemned only for the failure of the competent courts to give sufficient reasons for their decisions. The European Court, Kokkinakis and Larissis cases, found that the aforementioned Law satisfies the principles of certainty and foreseeability and that it may be applied in conformity with the European Convention. The Larissis case is, in part, an example thereof. Following the Kokkinakis judgement, the Committee of Ministers of the Council of Europe adopted resolution DH (97) 576 according to which, following the dissemination by circular of the European's Court judgement the prosecutors and the indictment chambers of the tribunals have adapted their interpretation of Greek legislation to the requirements set by the Court's judgement so that the tribunals were involved only in a very few cases of proselytism and that no conviction has been pronounced in a case similar to the Kokkinakis case. Since 1994, there have been only two convictions for proselytism vis-à-vis minors. Nobody is currently being prosecuted on grounds of proselytism.

66. Following the European Court's judgement in the Catholic Church of Canea case, article 33 of Law 2731/1999 has been enacted, confirming the legal personality of the Catholic Church in Greece.

67. Recently, a Committee has been set up by the Minister for Foreign Affairs, which will proceed to a general overhaul of the legislation regarding freedom of religion issues and will propose remedies for any shortcomings in comparison with international standards.

68. The Council of State considered that non-Orthodox pupils have the right to be exempted from participating in manifestations of a religious character, as well as from following the class of religious teaching (Council of State, Judgement No. 3356/95).

Social rights

69. As already stated, Greece has signed or ratified the main international treaties guaranteeing social and economic rights (recent examples include the Protocol amending the European Social Charter; the Additional Protocol to the European Social Charter; and the Additional Protocol to the European Social Charter providing for a system of collective complaints). These rights are recognized, according to the principle of non-discrimination, to nationals and aliens alike.

70. There are no discriminatory provisions in Greek legislation against any category of Greek citizens. Aliens who stay legally in Greece and have obtained residence and work permits or “green cards” suffer from no discrimination with respect to employment, housing, access to public services, etc. However, employment in the public sector is limited to European Union nationals.

71. Law 1414/1984 provides for gender equality in employment covering the whole spectrum of labour relations. Moreover, Ministerial Decision 33605/15.06.99 has set up employment projects within the framework of the European Programme of Combating Exclusion from the Labour Market. It should be noted, as already stated, that Presidential Decrees Nos. 358 and 359/1997 establish full equality of rights in employment between Greek citizens and all foreign nationals legally working in Greece.

72. On matters of social welfare, domestic courts are also applying the principle of non-discrimination. In that respect, relevant legislation applies to foreign nationals according to the conditions provided therein (Council of State 3487/92). Ethnic Greeks of non-Greek nationality may claim that the relevant legislation may not apply *stricto sensu* whenever the applicable law requires qualifications which only Greek nationals may satisfy because of their continuing employment in Greece (Council of State 3133/92). Besides, the case law of the competent courts considers that a widow of a public servant is entitled to pension under the same conditions as Greek nationals regardless of nationality (State Audit Council 1617/98) applying directly article 14 of the European Convention on Human Rights.

Right to equal treatment before the tribunals and all other organs administering justice

73. Article 17 of Law 2721/1999 foresees the provision of free legal aid in case of indigency of a person accused of a crime or misdemeanour.

Right to a nationality

74. In 1998 article 19 of the 1955 Citizenship Code was repealed (art. 9, para. 14 of Law 2623/1998). The application of this article, which allowed the withdrawal of Greek citizenship from persons of non-Greek ethnic origin who left the country with no intention of returning, had raised many issues in the past. The Constitution of 1975 included an implicit pledge to abolish that article, however, in order to comply with the international obligations assumed by Greece when it ratified the International Covenant on Civil Political Rights.

75. Article 20, paragraph 1 (c), of the Citizenship Code allows the competent authorities to deprive persons of their Greek citizenship, if, while living abroad, they commit, for the benefit of a foreign State, acts contrary to the interests of Greece. This article is still in force, but it has been applied only in very exceptional cases in recent years. Attention is drawn to the fact that an individual complaint contesting compliance with the European Convention on Human Rights of a decision of the Greek authorities to revoke citizenship on the basis of article 20 was brought before the European Commission on Human Rights. The Commission declared the application inadmissible *ratione materiae*, as to article 6 of the European Convention, and inadmissible for non-exhaustion of local remedies, as to articles 7, 8, 9, 10, 11, combined with article 14 of the Convention (application No. 17309/90, Galip v. Greece).

Right to leave any country, including one's own, and to return to one's country

76. The large majority of political refugees who fled the country during the civil war (1945-1949), as well as their descendants, returned to Greece, even though they had been deprived of their Greek citizenship, and they were registered with municipal rolls by virtue of Ministerial Decision 106841/1982. These individuals were given back their Greek citizenship.

Article 7 (Measures in the fields of teaching, education, culture and information)

77. At the primary school level, the textbooks on civic education contain chapters on the Greek Constitution and on human rights, including the Universal Declaration of Human Rights and the Convention on the Rights of the Child.

78. At the secondary school level, human rights are integrated into the following courses: Introduction to law and political institutions (17-year-olds) and Introduction to the principles of a democratic State (15- and 18-year-olds).

79. Academics provide occasionally courses on human rights education in teacher training centres, and the Institute of Peace (Thessaloniki) has organized courses on human rights issues throughout Greece since 1987 in cooperation with school advisers.

80. In 1996, a two-year post-graduate programme at the Department of Pedagogical Studies at the University of Athens was established entitled "Human rights and comparative education". In the Aristotle University of Thessaloniki, a programme for education on human rights and peace entitled "Contemporary world problems and the scientists responsibility" has been taught since 1997.

81. Non-governmental organizations are actively involved in human rights education. The Marangopoulos Foundation for Human Rights has translated and distributed to schoolteachers throughout Greece the United Nations publication "About the UN - Teaching about Human Rights", which serves as a model for human rights education. More recently, the Foundation has produced the Greek version of a Council of Europe video film for 13- to 18-year-olds entitled "Stand up NOW for Human Rights!" together with the accompanying support pack for trainers. The videocassette has been distributed to a significant number of schools in Greece. Furthermore, the Greek Committee for UNICEF has been active in the field of education for peace and is participating in the Mediterranean Group on Education for Development aimed at creating educational material on education for development and human rights.

Notes

¹ According to established practice, the judgements of the European Court of Human Rights concerning Greece are translated into the Greek language and transmitted by circular of the Ministry of Justice to the competent courts and tribunals. The growing impact of the case law of the European Court in the Greek legal order is illustrated in the following examples:

- Greek courts had developed a constant case law, according to which, only immovable property is protected by the Constitution and international human rights treaties. This case law was radically changed in 1998, when the Court of Cassation, based on a series of European Court judgements, considered that claims, as well as other proprietary interests, fall within the scope of the right to the peaceful enjoyment of possessions (Court of Cassation, 40/1998).
- Greek courts have been willing to accept that the legislature is not precluded from extinguishing claims arising under laws previously in force and from striking out proceedings pending before courts. Following the European Court's judgements in the Stran and Papageorgiou cases, Greek courts now admit that the striking out of proceedings in which the State is a party constitutes a breach of the right to a fair trial (Council of State, 542/1999).

² The Peace Treaty of Lausanne of 24 July 1923, which was concluded between the Allied and Associated Powers on the one hand and Turkey on the other, establishes the boundaries of the new Turkish Republic. In addition it contains provisions (39-45) for the protection of the Greeks of Constantinople who were explicitly excluded from the exchange of population between Greece and Turkey in 1923 (Lausanne Agreement of January 1923) and other non-Muslim minorities. The same obligation of protection was also assumed by Greece, on a reciprocal basis, through article 45 of this Treaty with respect to the "Muslim" minority of Thrace, which was also excluded from the above exchange of populations between the two countries. Throughout these years, Greece has applied all the above provisions vis-à-vis the Muslim minority of Thrace notwithstanding the fact that the Greek minority in Turkey has largely disappeared and has been reduced to 3,000 people from a total of 300,000 people at the time of the conclusion of the Lausanne Treaty.

³ This document has been signed by Greece and its ratification will take place as soon as various internal measures necessary for the implementation of the Convention have been adopted.
