

GREECE

Follow-up - Reporting Action by State Party

CESCR E/C.12/2004/8 (2004)

Comments by States parties on Concluding observations

... [T]his document contains Comments submitted on 21 July 2004 by the Government of Greece on the Concluding observations (E/C.12/1/Add.97) adopted by the Committee at its thirty-second session (26 April-14 May 2004) following its consideration of the initial report of Greece (E/1990/5/Add.56).

1. Greece acknowledges with appreciation receipt of the Concluding Observations of the Committee on Economic, Social and Cultural Rights following the consideration of her initial Report by the Committee that took place in Geneva on 28 and 29 April 2004.
2. Greece wishes to reiterate her full support to the Committee's work with a view to promoting the implementation of economic, social and cultural rights worldwide. She firmly believes that the Committee should carry out its entrusted mandate through a cooperative, transparent and sincere dialogue with the States Parties involved.
3. In accordance with Article 37, third alinea, of the Committee's Working Methods and in line with paragraph 651 of its 2003 Annual Report to ECOSOC, Greece wishes to make a number of comments, both of a general character and on specific paragraphs of the Concluding Observations:

General Comments

4. In many a case, the Committee based its Observations solely on information provided mainly by one NGO, which does not reflect accurately the real situation prevailing in Greece. As a consequence, some Observations are not balanced nor are they based on an objective comprehension of the facts that were provided both in the initial Report and with the answers to the written and oral questions of the Committee. This goes in particular with regard to the non-discriminatory behaviour of the State authorities towards vulnerable social groups, such as Roma, and the enjoyment by the latter of economic, social and cultural rights. At the same time, the Committee did not take at all or sufficiently into account the oral explanations given by the Greek Delegation during the consideration of the initial Report.
5. Greece strongly believes that the input provided by non-governmental sources is very useful for the effective monitoring of States Parties' compliance with ICESCR. However, the Committee should make an objective assessment of the situation in the States Parties concerned, taking duly into account well - documented and concrete explanations and clarifications presented to the Committee, both in writing and orally, by the States Parties themselves.

6. Endorsement by the Committee of one-sided or unfounded information, especially that made available by certain NGOs, does not promote a constructive dialogue with the States Parties nor does it encourage a steady implementation of ICESCR.

Comments on Paragraphs 10 and 31

7. In the Answers by Greece to the Questions set by the Pre-Sessional Working Group of the Committee (see pages 2-3, 26-27), as well as in the course of the consideration of the initial Report (see paras. 7 and 20, Summary Record of the 6th Meeting, E/C.12/2004/SR.6/4 May 2004), Greece clearly stated that she officially recognizes the existence of only one minority in Greece, namely the Muslim minority in Thrace. Other groups living on the Greek territory have not been identified as "minorities", since they do not meet the objective criteria which are well defined in international law for their identification as minority groups. However, as Greece stated before the Committee, persons belonging to these groups are fully entitled to enjoy economic, social and cultural rights as any other individual living within the Greek State, regardless of whether they have been granted the status of "minorities".

8. This being the case, it is not clear on the basis of what standards the Committee concludes that Greece should reconsider her position as regards the official recognition of other ethnic, religious or linguistic groups as "minorities". Moreover, it is not clear in which way and to what extent the non-recognition of a particular group as a "minority" impedes the enjoyment of economic, social and cultural rights of persons belonging to what the Committee considers as "ethnic groups" allegedly "seeking [minority] status".

Comments on Paragraphs 11, 21 , 22 and 44

9. The Committee's deep concern about the persistent discrimination against Roma people in the fields of housing, health and education (paragraph 11 of the Concluding Observations) is not supported either with the relevant references in the initial Report or by the oral explanations provided by the Greek Delegation (see Summary Records of the 6th and 7th Meetings, E/C.12/1/Add.97, para. 8, E/C.12/2004/SR.6, para. 46, and E/C.12/2004/SR.7, paras. 51-52). As a matter of fact, Greece has elaborated and has been implementing an Integrated Action Plan (IAP) for the social integration of the Greek Roma during 2002-2008 aiming at the elimination of discrimination against them in the fields of education, health, housing, et al. Namely :

10. Education: as Greece stated (see Summary Records of the 7th and 8th Meetings, E/C.12/2004/SR.7, para. 51, and E/C.12/2004/SR.8, para. 2), Roma children are induced into the educational system through special measures adopted within the IAP framework (priority axe 2). As mentioned from the outset in the initial Report, there is no discrimination against Roma. On the contrary, the latter, as Greek citizens, fully enjoy the right to education. The Ministry of National Education and Religious Affairs, in charge of the field of education within the IAP context, in its effort to reinforce the school attendance of children coming from this specific socio-cultural background has introduced a series of measures, which were mentioned in the initial Report (para. 60(b)) and presented during its consideration. In particular, the drop – out rate of the Roma children (paragraph 28 of the Concluding Observations) for the academic year 2002-2003 was approximately 24%, while the respective rate for the academic year 1996-1997 was 75%. These figures show that

the programme for Roma integration at school has had a positive effect on the school attendance of Roma students. According to the statistics, the number of these students has increased six - fold during the last decade. The drop - out rate creates a false impression due to a number of factors (e.g. decrease in the birth rate).

11. Health: Besides the information provided with Greece's Answers to Questions 29 and 31 set by the Pre-Sessional Working Group of the Committee, it is evident from the Summary Records of the 7th and 8th Meetings (E/C.12/2004/SR.7, paras. 49-51, and E/C.12/2004/SR.8, para. 3) that the establishment of socio-medical centres in the IAP housing intervention areas to provide Roma with elementary and preventive health services, such as PAP test, blood tests, vaccination, social intervention for abandoned and disabled children, family planning etc., as well as the operation of mobile medical units for enabling access of itinerant Roma to health services have contributed effectively to the elimination of discrimination against Roma in the field of health.

12. Housing: The updated quantitative data provided to the Committee on the housing loans programme and the actions undertaken under priority axe 1 of the IAP prove that the Greek State deals effectively with the issue (see Summary Records of the 6th and 7th Meetings, E/C.12/2004/SR.6, para. 46, and E/C.12/2004/SR.7, paras. 51-52).

13. The expressions used "reported instances of police violence against Roma, sweeping arrests, and arbitrary raids of Roma settlements by the police" (paragraph 11, second alinea, of the Concluding Observations) are unfortunate and based on arbitrary conclusions. As Greece stated among others, according to her Constitution, all Greeks are equal before the law, therefore the Greek police does not differentiate when dealing with Roma. On the contrary, Roma's delinquency is handled with great sensibility by the police. It should be noted that, according to the Greek Constitution and the laws and regulations on the operations of the Greek police, its presence is mandatory whenever there is a need to guarantee public order and security.

14. Regarding the Committee's grave concern about numerous reports on forced evictions of Roma from their settlements (paragraph 21 of the Concluding Observations), it is pointed out that Greek Roma fall under the same legislation applying for all Greek citizens on evictions from private plots of land and the relevant compensation (see initial Report, para.44(c)(iii),(ix)). Greece considers inaccurate the alleged by the Committee pretext of constructions for the 2004 Olympic Games. As explained by the Greek Delegation, even in cases where Roma are not settled at self-owned plots of land or in absence of the required settlement decision, there is no forced eviction, but relocation to alternative settlement areas. Such arrangements are held in co-operation with the local authorities and the Roma representatives. Therefore, when the need arose for Roma families to move from the area where they had settled in (Maroussi Municipality) due to Olympic Games constructions, they were relocated with their own participation and agreement in houses rented for them by the Municipality, on the basis of arrangements for an alternative housing rehabilitation proposal (see Summary Records of the 6th and 8th Meetings, E/C.12/2004/SR.6, para. 43, and E/C.12/2004/SR.8, para. 7).

15. With reference to the Committee's deep concern about reports on sub-standard living conditions of many Roma (paragraph 22 of the Concluding Observations), it is reiterated (see Summary Record of the 8th Meeting, E/C.12/2004/SR.8, para. 8) that, in cases officially reported (Municipality of

Aspropyrgos) to the Ministry of the Interior as co-ordinator of the IAP, the Ministry financed the construction of infrastructure works (access to drinking water, electricity, playgrounds, etc.) necessary to improve the living conditions in areas of temporary housing settlement, till a permanent housing rehabilitation arrangement was managed by the local authorities and the Roma representatives. Again, the Committee's concern for the sanitary services provided in such settlement areas is not accurate, since, as already said, the mobile medical units operating within the IAP context are established in order to serve itinerant Roma who live in temporary encampments.

16. Relating to the Committee's recommendation to ensure participation of Roma representatives in the IAP assessment (paragraph 44 of the Concluding Observations), it is repeated that Special Assessment Committees were established upon the IAP adoption by Joint Ministerial Decision, through which, apart from the representatives of the central, regional and local government, the Roma representatives (ROM network) also participate in the assessment and integration of local authorities proposals on infrastructure works for the improvement of Roma's living conditions (see Summary Records of the 6th and 7th Meetings, E/C.12/2004/SR.6, paras. 44-45, and E/C.12/2004/SR.7, para. 13).

Comments on Paragraphs 12 and 33

17. Greece is not in a position to share the Committee's concern that some economic, social and cultural rights which are normally also guaranteed to non-citizens are reserved to Greek citizens under the Greek Constitution.

18. As Greece pointed out, both in her initial Report (paras. 5-6, page 12) and in the course of its consideration by the Committee (see para. 37, Summary Record of the 6th Meeting, E/C.12/2004/SR.6/4 May 2004), the Constitution, in the cases mentioned above, does not prohibit the exercise and enjoyment of individual and social rights by foreigners, but it refers instead the pertinent matters to the legislator. In any case, the legislator is bound to take into account and to fully respect and implement the constitutional provisions relating to the protection of human dignity (Article 2) and the protection of life, honour and freedom of all persons living within Greek territory, without making any distinction whatsoever as to citizenship (Article 5, para. 2), as well as international treaties on the protection of human rights to the extent that these treaties do not make any distinction between nationals and foreigners.

19. Furthermore, as explained in paragraphs 5 and 6 of the initial Report, in accordance with Article 4 of the Civil Code, a foreign national enjoys the same civil rights that are accorded to Greek citizens. In the same vein, foreign nationals who are holders of a residence permit enjoy the same labour rights and have the same obligations as Greek workers relating to remuneration, working terms and conditions, their social security rights and other financial obligations prescribed by the legislation in force.

20. It is significant that, in the framework of the revision of the Greek Constitution completed in 2001, neither the NGO community nor constitutional lawyers or other actors of the civil society raised the issue identified by the Committee in the said paragraphs.

21. In this context, the example of the right to free education mentioned by the Committee is

unfortunate. In fact, as described in para. 60(b) of the initial Report, foreign students enjoy the right to free education in the same way as Greek citizens do. Moreover, every child living in Greece is entitled to education regardless of his/her parent's / guardian's legal status in the country. In view of the above, it is regrettable that the Committee focused only on the text of the relevant constitutional provision and did not take into account firmly established Greek law and practice in this field.

Comments on Paragraph 14

22. The latest available statistical data on employment in the primary sector do not confirm the Committee's concerns about the high unemployment rate, especially affecting female and young persons in rural areas. According to labour surveys carried out for the years 2001-2002 by the National Statistical Service, unemployment rates in agriculture (agriculture, animal breeding, hunting and forestry) and fishery, when compared to total rates, are low for male and female alike. Thus, for the year 2001, unemployment in the primary sector accounted for 2,86% of total unemployment. If sex disaggregated, male unemployment of the sector accounted for 3,55% of the total unemployment, while the same percentage for female amounted to 2,3%. For the year 2002, the relative rates were 1,85%, 2,48% (male) and 1,43% (female).

Comments on Paragraph 15

23. Greece considers groundless the Committee's concern on the potential non-access of Roma, documented and undocumented migrants and their families to social services. As stressed already, Roma are Greek citizens whose access to social services is not subjected to any form of discrimination. The issue of their inability to access the social services was related to the lack of the necessary identification documents, birth certificates, etc. However, the issuing of such documents was dealt effectively by the Ministry of the Interior through special directives to the local authorities, adoption of additional administrative procedures, parallel action of the Ministry's housing loans programme, given the applicants' obligation to register with the municipal rolls and issue the necessary identification documents (see Summary Record of the 7th Meeting E/C.12/2004/SR.7, paras. 49-51).

24. On the issue of migrants which in actual fact concerns migrants illegally residing in Greece, it is reiterated that they are legally entitled to access the social services for humanitarian purposes, i.e. need for urgent medical assistance (Article 51, Law No.2910/2001 on Migrant Policy). In light of the provisions of this Law, the Committee's concern is not relevant for those legally residing in Greece (see Summary Record of the 6th Meeting E/C.12/2004/SR.6, paras. 35,47).

Comments on Paragraph 17

25. The Committee's concern that physical and sexual abuse of children seem to occur at a relatively high rate is an arbitrary conclusion, which does not result either from what has been stated in Greece's initial Report or from the oral answers that were given during its consideration. This concern is based on occasional and isolated data, and not on the results of research and measurements undertaken at the national level.

Comments on Paragraph 18

26. The Committee's concern about the high numbers of trafficked women and children who are subjected to forced labour and sexual exploitation is based on a misinterpretation of the statistical data that were provided during the consideration of the initial Report (see para. 46, Summary Record of the 7th Meeting, E/C.12/2004/SR.7/4 May 2004). As it was then clarified by Greece, these data refer to the results of two operations, "MIRAGE 2002" and "MIRAGE 2003", which were jointly organized by - and took place on the territories of - all the countries participating in the Southeast European Cooperative Initiative (CECI) based in Bucharest, and not only by Greece.

27. Again, regarding the Committee's concern about trafficked women and children who are often being deported to their countries of origin, it should be stressed that the deportation of victims who are foreign citizens staying illegally in the country and denounce acts of prostitution may be suspended by order of the competent Public Prosecutor of the Magistrate Court, with the approval of the Public Prosecutor of the Court of Appeal, until the pronouncement of an irrevocable judgment at the criminal trial against the perpetrator of the illegal acts. This can also happen in case that foreign citizens staying illegally in the country are victims of slave-trade, of trafficking of human beings, of pimping, and of lewd acts against minors for payment. As it was stated by Greece, apart from the suspension of deportation and for the length thereof, a stay permit in Greece is granted to victims of all the above criminal acts by resolution of the Secretary-General of the Region.

Comments on Paragraph 20

28. The Committee's expression of regrets about the lack of statistical data on poverty and the absence of a poverty line does not correspond to the reality, since in Greece, as in the rest of the EU Member-States, it is possible to evaluate the progress made in the combat against poverty and social exclusion through the indicators list in the field of Social Exclusion and Poverty. These indicators, known as "Laaken Indicators", are estimated mainly on the basis of data taken from the European Panel for the Research on Family Budgets – ECHR (replaced in 2002 by the new research for "Statistics on the Income and Living Conditions in the EU" – EU-SILC). Data are also used from the Labour Force Researches, which are conducted by the statistical services of each EU Member-State at national level.

29. Regarding the absence of a poverty line, in Greece, as in the rest of the EU Member-States, the 60% of the "national mid-income" (term used in the basic «Laaken Indicators») is usually used in the above statistical researches as a threshold, below which a person is considered to be "at risk of poverty" (term selected as more correct than that of "poverty" when these indicators are used). The above limit is used in statistics and must not be confused with respective administrative criteria, as the case may be, established by law.

Comments on Paragraphs 28 and 50

30. The Committee's concern about the alleged impossibility for students belonging to the Muslim minority in Thrace to receive bilingual instruction at the primary level is based on entirely false premises. In fact, in Thrace there are currently operating 215 primary minority schools, with a total number of 6,694 students, where Greek and Turkish are taught as main languages. Further details

were provided to the Committee both in the initial Report (see para. 60(b)) and during its consideration (see para. 48, Summary Record of the 8th Meeting, E/C.12/2004/SR.8/4 May 2004). It is regrettable that the Committee completely disregarded factual information provided by the competent authorities, thus giving a distorted picture of the situation prevailing in Greece. It is also noted that in Thrace there are four, and not two, private minority high schools (two junior and two senior high schools).

31. With regard to the drop-out rate of the Muslim minority children, Greece would like to stress that the Greek State has taken a series of measures in order to encourage school attendance of Muslim children in Thrace, and has also introduced the institution of supporting teaching for all subjects, as well as for teaching the Greek language. The attendance of Muslim students in secondary compulsory education reaches 68%. According to the available statistics, the number of students mentioned above have increased six-fold during the last decade.

32. As stressed under Article 13, paragraph 60(b), of the initial Report, the Greek law provides for a special quota of 0,5% for the admission of Muslim minority students to Greek universities without having to pass exams. This policy has resulted in the increase of the number of Muslim minority students attending senior high schools in Thrace and has considerably enhanced the enrolment of minority students in Greek universities. It is to be regretted that this widely acclaimed illustration of best practices actively pursued by the Greek authorities has not been reflected in the Concluding Observations of the Committee.

33. Besides, it has to be clarified that the special measures concerning minority education are implemented only within Thrace, since the officially recognized Muslim minority lives only in this area.

34. Lastly, with regard to the Committee's recommendation concerning the teaching of the mother tongue of children belonging to "minority linguistic groups", including regional dialects, at school, it should be reiterated (see pages 80-81 of Greece's Answers to the Questions set by the Pre-Sessional Working Group of the Committee) that there are some dialects spoken in Greece, most of which have not even a written form. It is obvious that it is not possible for a State to introduce in its educational system the teaching of these dialects, which are only spoken orally and by a small number of persons. Moreover, the persons speaking such dialects have never expressed the wish or sought an official request to learn these dialects. It should be underlined that, even in the case of regional or minority languages, existing international standards with regard to the obligation of the State to introduce the teaching of such languages within the framework of its educational system leave a wide margin of appreciation to the relevant authorities. In this regard, States are entitled to take into account a series of criteria, such as the existence of sufficient demand, the availability of resources, the specific features of their educational system, the conditions of the language, the wish of the persons belonging to such groups, etc.

35. Greece kindly requests the Committee on Economic, Social and Cultural Rights, in line with the said paragraph 651 of its 2003 Annual Report to ECOSOC, to publish her comments as submitted as an official Committee document, to reference them and, as appropriate, to attach them to the Committee's 2005 Annual Report to ECOSOC.