

HELLENIC REPUBLIC

NATIONAL COMMISSION FOR HUMAN RIGHTS

Report 2002

Summary in English
Offprint

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January 2003

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REPORT 2002

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REPORT ON NCHR AND ITS WORK

The National Commission for Human Rights (NCHR) was founded by Law 2667/1998 and inaugurated on 10 January 2000, when it was first convened by the Prime Minister, and its President and two Vice-Presidents were elected.

I. Mission and mandate of NCHR

NCHR is a statutory National Human Rights Institution having a consultative status with the Greek state on issues pertaining to human rights protection. The creation of NCHR emanated from the need to monitor developments regarding human rights protection on the domestic and international plane, to inform Greek public opinion about human rights-related issues and, above all, to provide guidelines to the Greek state aimed at the establishment of a modern, principled policy of human rights protection. A source of inspiration for the creation of NCHR were the *Paris Principles*, adopted by the United Nations and the Council of Europe.

According to Law 2667/1998, by which NCHR was established, NCHR has the following substantive competences:

1. The study of human rights issues raised by the government, by the Convention of the Presidents of the Greek Parliament, by NCHR members or by non-governmental organisations;
2. The submission of recommendations and proposals, elaboration of studies, submission of reports and opinions for legislative, administrative or other measures which may lead to the amelioration of human rights protection in Greece;
3. The development of initiatives for the sensitisation of the public opinion and the mass media on issues related to respect for human rights;
4. The cultivation of respect for human rights in the context of the national educational system;
5. The maintenance of permanent contacts and co-operation with international organisations, similar organs of other states, as well as with national or international non-governmental organisations;

6. The submission of consultative opinions regarding human rights-related reports which Greece is to submit to international organisations;
7. The publicising of NCHR positions in any appropriate manner;
8. The drawing up of an annual report on human rights protection in Greece;
9. The organisation of a Human Rights Documentation Centre;
10. The examination of the ways in which Greek legislation may be harmonised with the international law standards on human rights protection, and the subsequent submission of relevant opinions to competent state organs.

II. Membership of NCHR

In accordance with Article 2 of Law 2667/1998, the following are members of NCHR:

1. The President of the Special Parliamentary Commission for Institutions and Transparency;
2. A representative of the General Confederation of Greek Workers, and his/her alternate;
3. A representative of the Supreme Administration of Civil Servants' Unions, and his/her alternate;
4. Four representatives (and their alternates) of Non-Governmental Organisations active in the field of human rights protection, that is, Amnesty International Greek Section, the Hellenic League for Human Rights, the Marangopoulos Foundation for Human Rights and the Greek Council for Refugees;
5. Representatives of the political parties recognised according to the Rules of Procedure of the Greek Parliament. Each political party designates one representative and his/her alternate;
6. One Counsellor of State and his/her alternate, proposed by the President of the Council of State (Supreme Administrative Court);
7. One Justice of the Court of Cassation (Areios Pagos) and his/her alternate, proposed by the President of the above Court;
8. The Greek Ombudsman and his/her alternate;
9. One member of the Authority for the Protection of Personal Data and his/her alternate, proposed by the President of the above Authority;
10. One member of the National Radio and Television Council and his/her alternate, proposed by the President of the Council;

11. One member of the National Commission for Bioethics and his/her alternate, proposed by the President of that Commission;
12. Two personalities widely recognised for their expertise in the field of human rights protection, designated by the Prime Minister;
13. One representative (and one alternate) of the Ministries of Interior, Public Administration and Decentralisation, of National Education and Religion, of Labour and Social Security and of the Press and Mass Media. Each of these persons (who do not have the right to vote) is designated by the competent Minister;
14. Three Professors or Associate Professors (and their alternates) of Public Law or Public International Law, members of the University of Athens, Faculty of Political Science and Administration, of the University of Thessaloniki, Faculty of Law and of the University of Thrace, Faculty of Law;
15. One member of the Athens Bar and his/her alternate.

It is worthy to note the originality of the Law provisions concerning NCHR membership and the election of Members, the President and the two Vice-Presidents. Each institution participating in NCHR designates its representatives. All representatives -except for those of seven Ministries who take part in the sessions of the Plenary and the Sub-Commissions without the right to vote- elect the President and the two Vice-Presidents of NCHR. This particular, liberal system ensures NCHR's independence and impartiality.

III. The organisational structure of NCHR

Since 10 January 2000 the President of NCHR (Commissioner) has been Professor Alice Yotopoulos-Marangopoulos. First Vice-President until May 2002 was Mr Pericles Pangalos who sadly deceased in 2002. Currently First Vice-President is Mr Nikos Frangakis and Second Vice-President is Professor Anna Frangoudaki.

NCHR has established five Sub-Commissions:

1. The Sub-Commission for Civil and Political Rights;
2. The Sub-Commission for Social, Economic and Cultural Rights;
3. The Sub-Commission for the Application of Human Rights to Aliens;
4. The Sub-Commission for the Promotion of Human Rights;
5. The Sub-Commission for International Communication and Co-operation.

According to the Rules of Procedure of NCHR (Decision of Prime Minister Y 138, *Official Journal of the Hellenic Republic*, B-475, 09.04.2000), each Sub-Commission holds at least one meeting per month. The Sub-Commissions' work consists of the preparation of reports on issues related to their specific field of action. All these reports are subsequently submitted to the NCHR (Plenary) for discussion and decision.

Since 15 November 2000 NCHR has employed two Legal Research Officers while since 1 April 2002 NCHR has also employed an executive secretary.

In 2003 NCHR plans to acquire its own premises in Athens and its own web site (www.nchr.gr).

IV. Summary of the work of NCHR from 2000 to date

In the beginning of the first year of its life, 2000, NCHR collected and studied all major international and European documentation regarding human rights protection issues in Greece which have been raised in international and European fora, with a view to examining the actual compliance of Greece with international and European human rights standards and law. Accordingly, the major issues of concern have been the following: issues pertaining to the effectiveness of the Greek justice system; freedom of religion; conscientious objection to military service; conditions of detention; non-discrimination on the grounds of race, ethnic origin or sex; protection of minority populations.

In the course of the meetings of the NCHR Plenary and the Sub-Commissions since 2000 the following issues have been discussed and relevant action was taken, including notification of the NCHR resolutions and recommendations to all competent Greek authorities (also published in NCHR Annual Reports):

- ***NCHR proposals on the draft Charter of Fundamental Rights of the European Union (11 July 2000)***: NCHR submitted to the EU Convention and competent Greek authorities proposals regarding the inclusion within the body of the Charter of specific substantive provisions regarding:
 1. The inclusion in the body of the Charter of a substantive notion of effective equality, especially with regard to women;
 2. The abolition and prevention of modern forms of slavery, especially those pertaining to trafficking and sexual exploitation of women and children;

3. The prevention of human rights violations, especially gender-related, by fundamentalism;
 4. The express abolition of the death penalty in all circumstances;
 5. The strengthening of the legal status and the establishment of implementation measures relating to social and economic rights.
- ***The issue of inclusion of religious affiliation in Greek citizens' identity cards (13 July 2000)***: NCHR adopted a resolution according to which the inclusion of religious affiliation in Greek citizens' identity cards is not in accordance with the Greek Constitution (article 5 paras 1 and 2 and article 13), or with current international and European human rights law, as well as European Community law. NCHR pointed out that the selection of religion as a particular determining identity conflicts with religious freedom and, more specifically, with the right not to declare or to remain silent as to one's religious faith, and gives rise to dangers of possible discrimination by reason of religion, as past experience has proved.
 - ***Ratification of humanitarian law treaties (28 September 2000)***: NCHR called upon the Greek government to proceed to the ratification of the 1999 Second Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict, as well as of the 2000 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (Greece had already signed these Protocols and ratified the latter by Law 3080/2002).
 - ***The 2000 Bill on aliens/immigration (9 November and 30 December 2000)***: NCHR expressed its criticism and submitted recommendations regarding certain provisions and omissions of the above Bill (later Law 2910/2001) which were considered to contravene current international standards of immigration and human rights law, such as: the lack of expert research on which the above Bill should have been based; non justification of visa application decisions by Greek consulates; lack of special protection of long-term immigrants; lack of effective protection of immigrant families; need to prevent human, especially women, trafficking through immigration legislation; access of immigrant children to education; access of detained immigrants to legal counselling. NCHR stressed that the Greek government should take all appropriate measures for the establishment of specialised research into contemporary conditions of migration and for the establishment of an integrated immigration policy.

- ***Cremation of the deceased (7 December 2000)***: NCHR proposed to the competent Greek authorities the modification of the current legislative framework for the protection by Greek law of every person's right, without any distinction whatsoever, to choose between cremation and burial when deceased. The latter is exclusively provided for by current Greek law. NCHR has noted that where the deceased has not expressed any special preference as between cremation and burial, his/her family (in order of priority: spouse, adult children, siblings, as in the case of the donation of organs of the body) should be able to choose.
- ***Ratification of the Rome Statute of the International Criminal Court (7 December 2000)***: NCHR called upon the Greek government to proceed to the ratification of the Statute of the International Criminal Court (signed by Greece in 1998, later ratified by Law 3003/2002).
- ***Human Rights Education and Promotion (2000-)***: NCHR has initiated a programme of human rights education and promotion, giving priority to specific population groups, that is, policemen and policewomen, public servants, lawyers, journalists and students. In 2001 the Fourth Sub-Commission of NCHR provided a number of Greek Universities with documentation with a view to establishing special human rights courses in their curricula. In April 2001 the Greek Open University accepted and started work on the proposal of the Fourth Sub-Commission of NCHR, with a view to creating a new course on human rights. On 6 June 2002 the Fourth Sub-Commission provided the Greek Open University with more back-up information and ideas for the creation of the human rights course.

In June 2001 the Fourth Sub-Commission of NCHR commissioned the Communication and Mass Media Department of the University of Athens to carry out a special study on Greek TV news bulletins and the promotion and establishment by them of stereotypes and discrimination mechanisms. The study was completed in February 2002 and widely publicised in December 2002, after a relevant public discussion which was organised by the Fourth Sub-Commission of NCHR at the Athens Journalists' Association on 5 December 2002.

Also the Fourth Sub-Commission of NCHR in 2001 had consultations with the Greek Ministry of Public Order and the National School of Public Administration. The Sub-Commission has urged the above Ministry (special educational material has also been provided to them by the Fourth Sub-Commission) and the National School to promote and strengthen human rights education in their curricula for policemen and public servants respectively.

- **Amendment of the Greek Constitution in 2001 (1 February 2001):** NCHR submitted to the Greek government and to the parliamentary political parties recommendations regarding the amendment of a series of constitutional provisions on: conscientious objection to military service, abolition of the death penalty in all circumstances (the death penalty in time of peace has been abolished in Greece), protection of personal data, the right of association of civil servants, Greek mass media, the right to property, the protection of the natural and cultural environment, the participation of civil servants in political parties and in national elections, the competences of the Greek Council of State, and the Greek independent administrative authorities.
- **Freedom of religion (1 March 2001):** In light of the recent case law of the European Court of Human Rights, NCHR proposed the modification, according to the above-mentioned jurisprudence, of the current Greek legal framework regarding: **1. Prosecution of proselytism.** The Greek state was urged to proceed to abrogating the relevant legislation in force and create a new relevant legal framework grounded in the right to freedom of thought, conscience and religion; **2. The establishment of places of worship.** NCHR urged the Greek authorities to abrogate the relevant antiquated legislation and comply with the judgments of the European Court of Human Rights; **3. The situation of the Muslim minority in western Thrace.** In light of the ECHR case law, NCHR pointed out that the competence of Muftis in Thrace should be contained in religious affairs only and not transcend to the fields of administration and justice; **4. Discrimination against conscientious objectors.** NCHR proposed the modification of Greek legislation with a view to eliminating legal and social discrimination against conscientious objectors to military service.
- **Use of force and of firearms by police forces (4 April 2001):** Upon request of the Minister of Public Order, NCHR proposed the modification of the current relevant Greek legal framework in line with the relevant principles and norms of the United Nations and the Council of Europe. NCHR stressed that the Greek legislation and police education and training were inadequate to confront modern forms of violence and criminality. According to NCHR the new legislation should be squarely grounded in the principle of necessity and proportionality and guided, inter alia, by the 1979 UN Code of Conduct for Law Enforcement Officials and the 1990 UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. NCHR also stressed the imperative of intensifying the training courses of all Greek police personnel and

of effectively safeguarding the latter's right to life and physical integrity and their families' special social security rights.

- **Bill on organised crime (3 May 2001):** NCHR submitted to the Ministry of Justice a series of recommendations, based mainly on European human rights principles and the UN Convention against Transnational Organised Crime (Palermo Convention), regarding the draft of the "Law on the amendment of the Greek Criminal Code and the Code of Criminal Procedure for the protection of citizens from indictable acts of criminal groups" (later Law 2928/2001). NCHR pointed out, inter alia, that mixed jury courts should not be excluded from the adjudication of organised crime cases, the investigative infiltration should be supervised by a judge, and underlined the cautiousness with which DNA-related information (evidence) should be handled.
- **Protection of refugees (asylum) in Greece (8 June 2001):** NCHR submitted to all competent Ministries proposals for a series of legislative and administrative amendments aimed at the modernisation and harmonisation of the Greek asylum framework with the established and emerging standards of international and European Community law. The main issues of concern were: **1.** The free movement of refugees and asylum seekers; **2.** Asylum seekers in transit areas of ports and airports; **3.** Refugee reception centres; **4.** The serious shortage of state trained interpreters and translators; **5.** Asylum seekers without documentation, especially in Athens; **6.** Review of asylum decisions and lack of judicial appeal on merits; **7.** Inadequacy of legal aid to refugees and asylum seekers.
- **Establishment of a comprehensive legal aid system (25 June 2001):** NCHR proposed to the Ministry of Justice the restructuring and modernisation of legal aid schemes in accordance with the legal aid standards established by the Council of Europe, the European Union and the case law on the European Convention on Human Rights. NCHR expressed its concern at the inadequacy of legal aid as it was structured and applied in Greece and stressed that legal aid should be available to every person who is in need of it, in all jurisdictions and all procedural stages. Particular attention should be paid by the Greek state to vulnerable social groups such as asylum seekers, refugees and alien immigrants potentially discriminated against on the ground of their racial or ethnic origin.
- **Conditions of detention in Greece (5 July 2001):** NCHR, in view of relevant recent reports of, among others, the European Committee for the

Prevention of Torture and the UN Committee against Torture, having regard to recent case law of the European Court of Human Rights and having visited some Greek prisons and police detention centres, submitted to the Ministry of Justice and the Ministry of Public Order a series of proposals aiming at the urgent reformation and modernisation of the Greek detention centres and related legislation and practice. In particular NCHR underlined the need for Greece to effectively comply with the recommendations of the above international and European organs, the need for creation of new modern detention centres, the separation of minor and adult detainees, the provision of adequate health care services to all detainees and the putting into effect of the new aliens legislation that provides for the creation of new detention centres for aliens under deportation.

- **Alternative civil-social service (5 July 2001):** NCHR proposed to the Ministry of National Defence amendments for the modernisation of the Greek law regarding alternative civil-social service, instead of military service, in accordance with the relevant established principles of the Council of Europe and the case law of the European Court of Human Rights. NCHR stressed, inter alia, that alternative service should be of a reasonable duration and never have the character of punishment, while the relevant authority should be independent from the military and provide adequate procedural safeguards.
- **Implementation by Greece of ILO Convention No 111 on non-discrimination in employment and occupation (20 August 2001 - a formal request for an opinion was submitted to NCHR by the Greek Ministry of Labour):** NCHR submitted its comments to the Ministry of Labour, placing particular emphasis on the important issues, requiring particular attention by the Greek state, of affirmative action in favour of women in Greece (following the new Article 116 para 2 of the Greek Constitution) and of the legal and factual equality of sexes in the framework of the relevant, evolving European Community law.
- **Resolution on terrorism and human rights after the events of 11.09.2001 (20 September 2001):** NCHR was one of the first National Human Rights Institutions that issued such a resolution calling upon states to abide by their international law obligations in the course of their struggle against terrorism that should in no way lead to new ethno-cultural divisions and enmities all over the world and to human rights violations.
- **Protection of social rights of refugees and asylum seekers in Greece (20 September 2001):** NCHR submitted to the competent

Greek Ministries a series of recommendations, based on European and international human rights standards, for the modernisation and the strengthening of the current, inadequate system of refugee social protection in Greece. The main issues tackled by NCHR in its report are: **1.** Reception centres for asylum seekers; **2.** Employment and vocational training of refugees and asylum seekers; **3.** Provision of aid and special allowances; **4.** Education; **5.** Special protection of unaccompanied minor refugees and asylum seekers.

- ***Draft Report of the Greek Foreign Ministry on Racism, Intolerance and Xenophobia to the Committee of Ministers of the Council of Europe (22 October 2001):*** Comments of the Second (Social, Economic and Cultural Rights) and Third (Application of Human Rights to Aliens) NCHR Sub-Commissions were submitted to the Greek Foreign Ministry upon the latter's request. The above Sub-Commissions stressed, inter alia, that the Council of Europe should in no way proceed to the devaluation of the European Commission against Racism and Intolerance and that Greece should proceed to the ratification of the European Framework Convention for the Protection of National Minorities, as well as Protocol No 12 of ECHR on the prohibition of all forms of discrimination.
- ***Second Mediterranean Conference of National Human Rights Institutions (1-3 November 2001):*** NCHR successfully organised and hosted the above Conference from 1-3 November 2001 in Athens, which was attended by 14 National Institutions and was concluded with the adoption of the Athens Declaration (text available at www.nhri.net). The major theme of the Conference was immigration and asylum following the Durban World Conference against racism of September 2001. The Conference was coupled with an open Colloquium on the above topic, organised by NCHR in Athens.
- ***Issues regarding protection of Roma in Greece (29 November 2001):*** NCHR submitted to the competent Greek authorities its report on Roma in Greece containing a long series of measures that Greece should take in order to meet the needs for social and legal protection of this particularly vulnerable social group. The main issues of particular concern to NCHR have been the following: **1.** The de facto social marginalisation of Roma; **2.** Housing of Roma; **3.** Provision of adequate health services to Roma; **4.** Establishment of new education system tailored for the particular characteristics to Roma population; **5.** Discrimination and violence against Roma by local indigenous populations and law enforcement personnel.

- **2001 Reports of the Ministers of Justice and of Public Order to the UN CAT (13 December 2001):** NCHR submitted its comments on the above Reports, upon request of the relevant Ministries, in accordance with Law 2667/1998 founding NCHR. NCHR urged the Ministries to make particular reference in their Reports to the actual practice, that is, application of the UN Convention against Torture by Greek authorities. NCHR also stressed the importance that Greek authorities should attach to the advancement of education and training of law enforcement personnel, to the amelioration of detention conditions in Greece and to the treatment by Greek authorities of immigrants and asylum seekers in accordance with international law and human rights protection standards.
- **Main issues of racial discrimination in Greece – Proposals for the modernisation of Greek law and practice (20 December 2001):** With this report NCHR underlined the major issues concerning racial equality in Greece already raised by competent UN and Council of Europe organs and proposed that the Greek government proceed to the overhaul of the relevant policy and legislation, taking in particular into account Directive 2000/43/EC *implementing the principle of equal treatment between persons irrespective of racial or ethnic origin*. NCHR stressed that Greece should fully comply with the recommendations of the UN CERD and ECRI and proceed to the modification of Greek anti-racism legislation and policy with a view to living up to current EC law and relevant standards laid down by the Council of Europe.
- **2001 Greco-Turkish Protocol for the implementation of article 8 of the Greco-Turkish Agreement on combating crime, especially terrorism, organised crime, illicit drug trafficking and illegal migration (31 January 2002):** NCHR issued an opinion expressing its serious concern at, inter alia, the non-inclusion in the above Protocol (now Law 3030/2002) of any express clauses pertaining to the effective protection of asylum seekers arriving in Greece from Turkey, according to the Geneva/New York Refugee Convention and Protocol. NCHR pointed out that in a number of cases the conditions of aliens' refoulement/readmission raise concerns as to the safeguarding of fundamental rights of all persons attempting to enter Greek territory, including illegal migrants.
- **Appeal to the Greek Foreign Minister pertaining to the treatment by the US authorities of detainees from Afghanistan (28 February 2002):** NCHR has called upon the Greek Foreign Minister to exercise his utmost influence so that international human rights principles are

adhered to in this case, especially those emanating from the UN Convention against Torture, the International Covenant on Civil and Political Rights and international, conventional and customary, humanitarian law.

- **Appeal to the Greek Foreign Minister for the ratification by Greece of the anti-discrimination 12th Protocol to the European Convention on Human Rights, already signed by Greece (28 February 2002).**
- **Resolution on the 2001 proposals for an EU Council Framework Decision on combating terrorism and for an EU Council Framework Decision on the European arrest warrant and the surrender procedures between Member States (28 February 2002):** NCHR commented on the above proposals dated December 2001 and stressed that these Decisions should be squarely based upon international and European human rights standards and principles. With regard to the decision on combating terrorism NCHR stressed that EU member states should show utmost cautiousness to the identification of the aims by which terrorist acts are characterised and that the right to a fair trial should be always adhered to in the course of the relevant procedures. As to the European arrest warrant decision, NCHR pointed to the precarious situation that the above decision may engender, especially for third country nationals who have occasionally been discriminated against and victimised by state measures and policies adopted by certain states following the events of 11 September 2001.
- **Research project on TV news bulletins and human rights protection (28 February 2002):** The Fourth Sub-Commission of NCHR commissioned the Department of Communication and Mass Media of the University of Athens to carry out the above research that was concluded in February 2002. The research demonstrated the existence of a pattern of serious violations of human rights by TV news bulletins, which have taken the form of “infotainment”, of mainly private TV channels in Greece. The research attested to the fact that TV news in Greece tend to arbitrarily categorise and stigmatise particular ethnic and social groups, infringing upon their human dignity and flagrantly violating fundamental contemporary standards of human rights protection, primarily the one of presumption of innocence. The research results were publicised at a special public discussion event on the premises of the Athens Journalists’ Association, organised by the Fourth Sub-Commission of NCHR on 5 December 2002.
- **2002 Core Document of the Greek Foreign Ministry to the UN Human Rights Committee (28 February 2002):** NCHR submitted to

the Greek Foreign Ministry, upon the latter's request, its comments on the above Core Document pertaining to basic information on the framework of human rights protection in Greece. The main issues that were regarded by NCHR as insufficiently covered by the above Core Document were the following: **1.** Human rights education of law enforcement officials and public servants; **2.** Compliance and cooperation of Greece with the recommendations of the Council of Europe Social Rights Committee and ECRI, as well as with the judgments of the European Court of Human Rights; **3.** Provision by Greece of data regarding religion and languages used in Greece.

- ***Bill on combating trafficking in persons and providing protection to victims (28 February 2002):*** NCHR submitted to the Greek authorities a series of substantive proposals for the amendment of the above Bill (later Law 3064/2002), in accordance with the relevant protection standards agreed upon by the United Nations, the Council of Europe and the European Union. The main issues on which NCHR focused its attention are: **1.** The necessary modification of the limited nature of the definition of trafficking included in the above Bill; **2.** The necessity for expansion of the manners in which the victim's coerced acquiescence may be obtained; **3.** The necessary establishment of a holistic legal and institutional framework for the provision of effective legal social protection to all victims of trafficking, especially during the phase of their repatriation; **4.** The extensive protection that should be provided to minors; **5.** The necessary criminalisation of professional exploitation of prostitutes.
- ***Appeal to the Greek Foreign Minister for the signature and ratification by Greece of the 13th Protocol to ECHR (concerning the abolition of the death penalty in all circumstances, 24 April 2002*** – The death penalty in time of peace has been abolished in Greece).
- ***Restrictive quotas against women employed by the Greek Police and Fire Brigade (29 May 2002):*** NCHR issued a special report on the above issue calling upon the Greek Ministry of Public Order, in charge of Greek Police and Fire Brigade, to abide by the new provisions of the Greek Constitution on affirmative action in favour of women, the relevant case law of the Greek Council of State and EC legislation. NCHR stressed that according to the new article 116 para 2 of the Greek Constitution (2001) any kind of gender-based exclusion or restriction, including restrictive quotas against women, is to be considered as null and void. The competent Minister of Public Order in December 2002 put

forward a Bill providing for the elimination of restrictive quotas against police women candidates.

- ***Issues relating to reception and access of asylum seekers to the asylum procedure in Greece (6 June 2002):*** NCHR expressed its grave concern at reports of international NGOs regarding alleged instances of refoulement of asylum seekers by Greek authorities and issued a series of asylum law and practice-related recommendations with special reference to: the arrest of asylum seekers in border areas; these detainees' information about the Greek asylum procedure and their concomitant rights; provision of legal aid; facilitation of asylum seekers' communication with any person they wish to contact in order to inform them about their case; the creation of new permanent state reception centres for asylum seekers; the application of article 48 of Law 2910/2001, as amended by Law 3013/2002, which provides for the establishment of regional detention centres for aliens subject to administrative deportation.
- ***Report on Law 2956/2001 pertaining to temporary employment through "companies of temporary employment" (4 July 2002):*** NCHR forwarded to the Greek government the above report underlining its concerns at the raison d'être itself and application of the above Law that provides for the hiring of employees through the above-mentioned companies to various businesses in Greece. NCHR stressed that the above form of employment contravenes in practice human and labour rights of the persons employed through this system. NCHR also pointed to the necessity of strengthening the efficiency of the competent Body of Labour Inspectors, in charge of safeguarding the proper application of labour law in Greece.
- ***Bill on the Greek administration's compliance with judicial decisions (9 July 2002):*** NCHR submitted to the Greek authorities a number of proposals for ensuring conformity of the above Bill (later Law 3068/2002) with the prescriptions of the Greek Constitution, the International Covenant on Civil and Political Rights and the European Convention on Human Rights. The main points of NCHR were the following: **1.** The most effective means of compliance by the administration would be the establishment by law of the "action for performance" against the Greek administration; **2.** Compliance should be provided for also in cases of judgments regarding interim protection; **3.** The judicial board in charge of supervising the administration's compliance should include judges who have already participated in the relevant proceedings; **4.** The waiting period regarding compliance should

not be beyond the limits of reasonableness established in European human rights law. Finally, NCHR pointed out that the above Bill should proceed to the abrogation of the antiquated preferential default interest of the Greek state, as prescribed by contemporary human rights law and principles.

- ***Initial (2002) Report of Greece to the UN Committee on Economic, Social and Cultural Rights (4 September 2002)***: NCHR, upon urgent request of the Greek Foreign Ministry, submitted its comments on the above Report, which had been prepared by thirteen Ministries, in accordance with Law 2667/1998 founding NCHR. NCHR pointed to a series of issues falling under the scope of the Report that were not sufficiently, or at all, tackled by the above Report, such as: **1.** The inadequate Greek legal framework against racial or ethnic discrimination; **2.** The inadequate legal and institutional framework for the protection and integration of alien immigrants and refugees; **3.** Issues of unemployment and new forms of employment, such as temporary employment through “companies of temporary employment”, that contravene modern human rights standards; **4.** High poverty rate and inadequate social welfare infrastructure; **5.** Implementation of the development and protection programme for Roma; **6.** Issues pertaining to socio-legal protection of aliens, especially women, victims of human trafficking; **7.** Issues regarding state education; **8.** Issues arising from the practice of mass media, especially from private TV channels, and the flagrant or indirect violation by them of human dignity.
- ***Athens Conference on the Greek Presidency of the EU Council and the challenge of asylum and immigration, 8-9 November 2002 (co-organised with the Greek Ombudsman, UNHCR BO for Greece and the Greek Council for Refugees)***: This was a two-day open conference attended by representatives of competent Greek Ministries, the EU Commission, UNHCR, NCHR and Greek NGOs. The conference ended with the adoption of a series of conclusions on the European and Greek immigration and asylum law and policy, which were publicised and forwarded to all competent Greek, European and international organisations.
- ***International Conventions on Migrant Workers and the position of Greece (12 December 2002)***: NCHR proposed that Greece accede to the following Conventions on Migrant Workers, regarding them as necessary for, inter alia, the planning and implementation of a contemporary, human rights-based immigration law and policy by Greece: ILO Convention (No 97) *concerning Migration for Employment* (revised

1949), ILO Convention (No 143) *on Migrant Workers* (Supplementary provisions, 1975) and the 1990 *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*.

- **Issues relating to discrimination against alien workers with regard to their employment injury compensation (12 December 2002):** NCHR recommended the abrogation of article 5 of Royal Decree of 24.07.1920 and of Law 551/1915 which condition employment injury compensation to alien workers on the norm of reciprocity or the alien worker's residence in Greece, in violation of, inter alia, fundamental social rights provisions of the Greek Constitution and relevant provisions of the 1966 International Covenant on Economic, Social and Cultural Rights. With the same resolution NCHR recommended also the ratification by Greece of the 1964 *Employment Injury Benefits Convention* of ILO (No 121) and of the 1977 European Convention on the Legal Status of Migrant Workers.
- **Commentary on the Bill of the Ministry of Public Order regarding arms possession and use of firearms by police personnel and their relevant training (12 December 2002):** Upon request of the Minister of Public Order, NCHR submitted its comments on the above Bill of 12.11.2002. NCHR regarded this Bill as moving in the right direction, in accordance with its own earlier proposals of 5 April 2001, the 1979 UN *Code of Conduct for Law Enforcement Officials* and the 1990 UN *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*. NCHR proposed the modification of a series of provisions of the above Bill, so that they conform to the principles of necessity and proportionality in which the relevant policy and practice should be grounded. NCHR also stressed the necessity of intensification and streamlining by the Ministry of Public Order of human rights education and further training in the curricula of all law enforcement officials in Greece.
- **Resolution on Greece's fight against terrorism in its territory (12 December 2002):** NCHR, following its former relevant Resolutions of 2001 and 2002, expressed its outright condemnation of acts of terrorism carried out in Greece and called upon all competent Greek authorities and professional associations, such as the Athens Bar and the Athens Journalists' Association, to ensure that the fight against terrorism is not carried out to the detriment of the fundamental principles enshrined in international human rights law and in the Greek Constitution.

- **Greece's compliance with the Conclusions of the European Committee of Social Rights (12 December 2002):** Given the importance of the European Social Charter (ESC) and of the supervisory work of the European Committee of Social Rights (ECSR) for the protection of fundamental social rights in contracting states such as Greece, NCHR proposed that Greece recognise the right of Greek NGOs to lodge complaints with ECSR, according to the 1995 Additional Protocol to ESC, and fully comply with the Conclusions of ECSR, pertaining to the collective complaints against Greece.
- **The detention conditions in Greece in the year 2002 (12 December 2002):** NCHR paid particular attention and studied the latest relevant reports of the European Committee for the Prevention of Torture, the United Nations Committee against Torture and the Council of Europe Commissioner for Human Rights. Taking also into account the responses of the Greek authorities to the above reports, NCHR proceeded to submitting to the competent Greek authorities a series of recommendations with a view to ensuring, inter alia, the following: full compliance of Greece with the recommendations of the above United Nations and Council of Europe organs; promotion of and strengthening continuous education of all personnel involved in the detention process; creation of detention centres of aliens under deportation according to Aliens' Law 2910/2001; special legislation for and attention to asylum seekers under detention, in accordance with the relevant NCHR proposals of 06 June 2002; establishment of a detainee complaint procedure in all detention centres; decongestion of the prison and detention centres in the area of Athens through establishment of new prisons and detention centres in other regions; special treatment of detainees who are drug addicts and their strict separation from other detainees in all prisons and detention centres.

Athens, January 2003

