



## **Greek National Commission for Human Rights (GNCHR)**

**Written Responses to the List of issues in relation to the combined  
fourth to sixth periodic reports of Greece to the  
UN Committee on the Rights of the Child**



**December 2021**



*The Greek National Commission for Human Rights (GNCHR) is the independent advisory body to the Greek State on matters pertaining to human rights protection and the National Human Rights Institution (NHRI). It was established in accordance with the UN Paris Principles and is governed by Law 4780/2021. Its members are persons appointed by forty-two institutions whose activities cover the field of human rights (independent Authorities, universities, third level trade unions, NGOs, political parties and the Administration).*

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**Replies to the List of Issues**  
**in relation to the combined fourth to sixth periodic reports of Greece**  
**on the Rights of the Child \***

**I. Introductory Remarks**

The [Greek National Commission for Human Rights \(GNCHR\)](#) as the independent advisory body to the Greek State in accordance with the UN Paris Principles and as the National Human Rights Institution (NHRI) for Greece, welcomes the opportunity to make this submission to the Committee on the Rights of the Child (hereinafter Committee) and in relation to the examination of the combined fourth to sixth periodic reports of Greece on the Rights of the Child, while being also aware of the updated State Report (of December 1<sup>st</sup> 2021).

The GNCHR was established by Law 2667/1998, which has been amended by [Law 4780/2021](#). By virtue of its revised founding Law 4780/2021, the GNCHR is explicitly recognized as the National Human Rights Institution in Greece and acquired legal personality, functional independence, administrative and financial autonomy. Since 2001, the GNCHR is being accredited A status (full compliance with UN Paris Principle), indicative of its independence and effective fulfillment of its role.

Bearing in mind the important and constructive role that the GNCHR plays towards the effective implementation of human rights protection, the constant monitoring of developments related to the human rights situation in Greece and the implementation of human rights law, the National Commission submits the following Report in accordance with its founding legislation (Article 12 (g) of [Law 4780/2021](#)).<sup>1</sup> In January 2020 the GNCHR has submitted its Alternative Report prior to the List of Issues to the Committee in view of the eighty-fifth February pre-sessional working group concerning the implementation of the Convention on the Rights of the Child (CRC) in line with article 45(a) of the Convention, after taking into account the Greek State Report in 2018, in line with article 44 of the Convention, which has been ratified and incorporated into the national legal order by Law 2101/1992 (OGG 192/A'). By presenting this report, the GNCHR aims to provide the Committee on the

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\* The present Comments were adopted by the GNCHR plenary on 24 November 2021. Rapporteurs: Prof. Maria Gavouneli, President, Ellie Varchalama, Second Vice-President and the GNCHR Scientific Staff: Dr. Katerina Charokopou.

<sup>1</sup> Article 12 (g) of [Law 4780/2021 National Accessibility Authority, National Commission for Human Rights and National Bioethics and Technoethics Commission](#) (OGG 30/A/28.2.2021): "*The Commission shall in particular: ... g) deliver an opinion on reports which the country is to submit to international organisations on related matters, draw up and submit its own independent reports [...]*".



Rights of the Child with updated information regarding the implementation of the Convention in Greece.

## II. General Observations

In the present Report, the GNCHR acknowledges the positive developments since the submission of its Alternative Report in January 2020, highlighting in parallel the shortcomings in law and practice including the absence of a proactive approach to children rights protection.

The GNCHR, taking into account and monitoring the State's initiatives and measures,<sup>2</sup> uses the opportunity to reiterate its general observation, that, although the State designs policies and practices, develops structures and implements specific actions such as Cooperation Protocols, actions plans, support programmes, social services and benefits, etc., in order to provide protection to children, especially the vulnerable ones, and to combat discriminations, yet, these measures usually form a fragmented social policy, often of temporary nature. The National Commission recommends to the involved authorities to systematically evaluate the progress and assess the outcomes by using child focused indicators designed to respond to the needs and the best interests of children. In this regard, the GNCHR shares UNICEF positions noting that the ability of governments to deliver quality services to protect and empower vulnerable populations, is vital to children rights and well-being. Effective, responsive and innovative governance is increasingly seen as an accelerator of progress to achieve the Sustainable Development Goals under the commitment *Leaving no one behind* (LNOB), which is the central, transformative promise of the 2030 Agenda for Sustainable Development.<sup>3</sup>

Moreover, the GNCHR stresses its serious concerns regarding the lack of coherence in the context of the services provided, illustrates the significance of maintaining a common policy and recommends to the Greek State, instead of developing new structures, to upgrade the existing ones, bringing in, where necessary, the proper policy changes that would ensure the institutional continuity. To that end, the GNCHR suggests that the competent State authorities not only design and implement strategies and plans applicable to all children on an equal basis, with special attention to vulnerable ones, but also to emphasise on a consistent and reliable legal framework and on the establishment of efficient and transparent control

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<sup>2</sup> State Report, Reply to the List of issues, CRC/C/GRC/RQ/4-6, 1.12.2021.

<sup>3</sup> Leaving No One Behind: [A UNSDG Operational Guide for UN Country Teams](#). April 2019. The [UN Resolution on SDGs](#) adopted by the General Assembly on 25 September 2015 emphasises the importance of accessible, timely and disaggregated data, with a focus on the poorest and those in the most vulnerable situations, such as children and young people.

mechanisms.<sup>4</sup> Overall, the National Commission calls upon the State to keep child related issues as the highest priority on its agenda.

### III. Questions

1. Please clarify the roles of the National Mechanism (Law 4491/2017) and the National Observatory for the Rights of Children in coordinating the implementation of the Convention at different levels, and specify their human and financial resources. Please inform on progress in adopting the National NAP on the Rights of the Child and specify its timeframe, budget and child participation in its formulation. Specify allocations to the Children's Rights Department (Greek Ombudsman).

2. (c) introduce the child-rights approach to budgeting and budgetary allocations for children, particularly those in vulnerable situations; (d) ensure the sustainability of services funded from external sources.

#### National Observatory for the Rights of Children

With regard to the National Observatory for the Rights of Children established in 2001 with the responsibility of designing and monitoring the policies adopted for the protection of children's rights, the GNCHR deplores that it has in practical terms never been activated without explicit reasons and shares UNICEF's concerns especially about the immediate need for monitoring child rights.<sup>5</sup>

#### National Action Plan on the Rights of the Child

As stated in the GNCHR's Report prior to Lois, the National Commission has welcomed Law 4491/2017 that provides for a Mechanism for the Developing, Monitoring and Evaluation of a National Action Plan for Children's Rights (hereinafter NAP).<sup>6</sup> The GNCHR itself is a member of the Mechanism,<sup>7</sup> thus it deems it necessary to monitor and evaluate the NAP, based on the proposals it has formulated in the past for the development of such a Mechanism.<sup>8</sup> In this context, the GNCHR notes that no significant steps have been taken towards the

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<sup>4</sup> UNICEF, [Governance, Scanning emerging governance trends for new opportunities to leverage governance for children](#). Addressing these concerns would also support SDG Goal focused on Reducing inequalities (Goal 10) and, in particular, it will support delivery of SDG Target 10.3 aiming at ensuring equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard,

<sup>5</sup> UNICEF [Child rights monitoring](#)

<sup>6</sup> See Law 4491/2017 "Legal gender recognition- National Mechanism for Monitoring and Evaluation of the Action Plan on the Rights of the Child and other provisions" (OGG 152/A, 13.10.2017).

<sup>7</sup> See art. 9 of Law 4491/2017 "Legal gender recognition- National Mechanism for Monitoring and Evaluation of the Action Plan on the Rights of the Child and other provisions" (OGG 152/A, 13.10.2017).

<sup>8</sup> See GNCHR Observations on the National Action Plan for Children's Rights 2018-2020 (29.11.2018) [in Greek].

implementation of the NAP so far. Nonetheless, the National Commission, in its institutional role and mission as a “guardian” of human rights remains committed to closely monitoring the implementation course and evaluating the progress of the NAP, which was officially adopted in July 2021. The GNCHR, taking into account the developments in child policy, appreciates the recent announcements of the Prime Minister about the design of a National Action Plan for Children’s Sexual Abuse and Exploitation.<sup>9</sup>

Furthermore, the GNCHR regrets that structural issues in the procedure and shortcomings, as identified in its previous CRC Report,<sup>10</sup> have not been adequately addressed. Especially, the GNCHR, underlining that all State parties are required to ensure the right of children and young people to freely express their views on all matters affecting them, as one of the core principles of the CRC,<sup>11</sup> reiterates that organizations representing children have not been involved in the elaboration of the National Plan.<sup>12</sup> In particular, it is notable, that the Organization “[The Smile of the Child](#)” was not involved in the consultation of the NAP, despite the recent Cooperation Agreement between the Ministry of Justice and the Organisation. Pursuant to the Agreement, the two parties shall defend the Rights of the Child and promote a Child-Friendly Justice, including to that end the contribution of the “[The Smile of the Child](#)” to the development of a National Action Plan for Children.<sup>13</sup>

In addition, the GNCHR stresses that, children’s participation is also one of the key issues in the EU Strategy on the Rights of the Child.<sup>14</sup> Among the Conclusions of the European Commission, it is provided that participation in democratic life needs to start during childhood in order for the children to develop their potential as engaged, responsible citizens.<sup>15</sup> However, the GNCHR appreciates the participation of UNICEF Greece Country Office in all the meetings of the National Mechanism, as part of it, since 2021.<sup>16</sup>

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<sup>9</sup> [Speech](#) by Prime Minister Kyriakos Mitsotakis at the Parliament in light of the European Day for the Protection of Children against Sexual Exploitation and Sexual Abuse, 24.11.2021.

<sup>10</sup> GNCHR, [Submission](#) to UNCRC, January 2020.

<sup>11</sup> Art. 12 CRC (the right of the child to express its views and to be heard).

<sup>12</sup> Child protection is not a luxury! - [The GNCHR adopts the Principles on Child Protection in Greece](#) (June 2016) [in Greek].

<sup>13</sup> See [PRESS RELEASE](#), “The Smile of the Child”, Athens, 20 October 2020.

<sup>14</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, [EU strategy on the rights of the child](#), COM(2021) 142 final, p. 23.

<sup>15</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, [EU strategy on the rights of the child](#), COM(2021) 142 final, p. 23.

<sup>16</sup> According to Law 4786/2021 (Art. 36) *Implementation of provisions of Council Regulation (EU) 2017/1939 of 12 October 2017 on the implementation of enhanced cooperation for the establishment of the European Public Prosecutor's Office, arrangements for the functioning of the courts and other provisions of the Ministry of Justice* (OGG 43/A 23.3.2021), which modified Art. 9 of Law 4491/2017.

From this point of view, the GNCHR encourages the Greek competent authorities ensuring that the child's best interests are of primary consideration, when implementing the actions agreed in the NAP. A useful tool in this direction could be the effective engagement of local governments in the UNICEF-led [Child Friendly Cities Initiative](#) (CFCI), which supports municipal governments in realizing the rights of children at local level using the [UN Convention on the Rights of the Child](#) as a basis.<sup>17</sup> This network brings together government and relevant stakeholders who wish to make their cities and communities more child-friendly, such as civil society organizations, the private sector, academia, media and more importantly, children.

Finally yet importantly, in the framework of the particular measures and actions foreseen in the Plan, the GNCHR notes with concern, that these are neither coherent nor targeted at a proper and specific policy ensuring an effectively protection of the rights of the children. In this respect, the GNCHR regrets the elimination of actions for the protection of children from violence, despite, *inter alia*, the promise, envisaged in the *2030 Agenda for Sustainable Development*, to end violence against children by 2030 (SDG Target 16.2.), which reveals one of the weaknesses of the Plan.

### **Child budgeting**

Another critical issue, is that Greece lacks child rights-based budgeting, which is a structural problem of the NAP.<sup>18</sup> More specifically, the GNCHR regrets that the NAP neither refers to detailed budgeting resources nor to the amount of the State budget that will fund the proposed actions promoting equality for every child. Regarding the next steps, it was reported in the framework of the Mechanism for the Developing, Monitoring and Evaluation of a NAP1 that by the end of the year, the amount of money needed for a country to invest in child-related activities and the necessary resources should have been determined, and a mechanism should have been set up.

At this point, the GNCHR recalls that, as CRC highlighted in its [General Comment No. 19](#) (2016) *on public budgeting for the realization of children's rights* (art. 4), the competent State authorities should provide for open, inclusive and accountable resource mobilization, budget allocation and spending without discrimination against any child, as well as, allow children to participate in budget decisions that concern them.<sup>19</sup> In this regard, a good practice is the

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<sup>17</sup> See UNICEF, [Child Friendly Cities Initiative](#).

<sup>18</sup> Towards better investment in the rights of the child, [Report](#) of the United Nations High Commissioner for Human Rights, A/HRC/28/33, 19 December 2014.

<sup>19</sup> Deutsches Institut für Menschenrechte, CRC (2016): [General comment No. 19 on public budgeting for the realization of children's rights](#) (art. 4).

specific guidance on children's participation in budgeting of the Committee on the Rights of the Child,<sup>20</sup> which constitutes a core part of the [General Comment No. 19](#). According to the relevant research, where nearly 2.700 children from 71 countries participated, budgeting for governments who engage children in the decision-making process about expenditure, is perceived to produce significant gains in efficiency, equity and accountability in public spending.

Furthermore, and in relation to budgeting for children's rights, the European Commission also encourages child rights budgeting in its [EU strategy on the rights of the child](#). In this regard, the European Commission calls on EU Member States to prioritise appropriate funding for child rights, including EU funding, and in cooperation with all relevant stakeholders and children's representatives and in synergy with other relevant national strategies and plans.<sup>21</sup> Likewise, UNICEF has been also stressing the need for the State budget and the relevant resources to be child rights-based and suggests therefore improving public finance for child-targeted actions.<sup>22</sup>

In the light of the above, the GNCHR underlines the importance of coordinated actions by the competent authorities throughout the budget process to fully implement the Convention and its Optional Protocols. At the same time the National Commission remains vigilant about the final budget estimation and the resources required for the child-related activities of the NAP, as well as about the establishment of an effective monitoring mechanism tracking the progress of the actions.<sup>23</sup> To this end, the Commission calls the competent State authorities to start budgeting child-related activities included in NAP based on the budget principles of effectiveness, efficiency, equity, transparency and sustainability,<sup>24</sup> with the emphasis on financing for education and health sectors.

### **The impact of the EU new Strategy on the Rights of the Child on the NAP**

Another crucial point of GNCHR's concern, due to its general duty of monitoring compliance by the competent State authorities with international, European and national standards for

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<sup>20</sup> [Child-Participatory Budgeting](#): A review of global practice, 2016.

<sup>21</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, [EU strategy on the rights of the child](#), COM(2021) 142 final, p. 22-23.

<sup>22</sup> See recent relevant UNICEF publications: UNICEF, Technical Paper, [The contribution Public Finance for Children can make to realizing child protection objectives](#), 3/20, UNICEF [Guidelines for Developing a Child Protection Budget Brief](#), December 2020, UNICEF Fact Sheet, [UNICEF's Work in Public Finance for Children](#), September 2019, UNICEF, Action Area 2, Public Finance for Children, [Realising Children's Rights through Social Policy in Europe and Central Asia A Compendium of UNICEF's Contributions \(2014-2020\)](#).

<sup>23</sup> Minutes of the Meeting of 23/6/2021 of the Mechanism for the Developing, Monitoring and Evaluation of a National Plan of Action for Children's Rights (art. 8 of Law 4491/2017).

<sup>24</sup> CRC [General Comment No. 19](#) (2016).

human rights, is the monitoring of NAP's compliance with the EU new *Strategy on the Rights of the Child*<sup>25</sup>, which is a demand provided by the Strategy itself.<sup>26</sup> Key actions by the European Commission is to **i)** establish a European Child Guarantee and **ii)** ensure the complementarity with the EU Strategy for the rights of persons with disabilities to respond to the needs of children with disabilities and provide better access to mainstream services and independent living. With regard to the first key action, the EU Strategy should be read in conjunction with a European Child Guarantee, which complements the Strategy and calls for specific measures for children at risk of poverty or social exclusion.<sup>27</sup> More specifically, according to the [Council Recommendation 2021/1004 establishing a European Child Guarantee](#), unanimously approved by all EU Member States, including Greece in June 2021, as a separate initiative, complementary to the Strategy, Member States are recommended to guarantee access to quality key services for children in need: *early childhood education and care*. To this end, and for the effective implementation of State's European obligations, the GNCHR calls the competent State authorities to take the necessary measures and actions, while remaining vigilant about the essential implementation in practice. Amongst the required by the Council Recommendation measures are: *the nomination of a national Child Guarantee coordinator, data collection, an identification system for vulnerable system, the set up of specific actions and targets for children as well as the guarantee for relevant financial resources and timelines*. In fact, the GNCHR deplores the fact that the NAP should be re-updated within nine months from the adoption of this Recommendation (mainly in its second pillar).

Moreover, bearing in mind all the above, the conversation comes to the evaluation issue, in particular to the need for ensuring regular monitoring of the results to measure the impact and the achievement of these actions through a comprehensive set of appropriate indicators.<sup>28</sup>

2. Please describe plans to: (a) align legislation and practice with the Convention, including regarding child marriage and inheritance, marriages under Sharia law and in Roma

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<sup>25</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, [EU strategy on the rights of the child](#), COM(2021) 142 final. The Strategy covers six thematic areas: 1) Participation in political and democratic life, 2) Fight of child poverty, promotion of inclusive and child-friendly societies, health and education systems, 3) Combating violence against children, 4) Child-friendly justice, 5) Safe navigation of children to the digital environment, 6) Protection and empowerment of children globally.

<sup>26</sup> See [EU strategy on the rights of the child](#), p. 23-24.

<sup>27</sup> Proposal for a Council Recommendation establishing a European Child Guarantee, COM(2021)137.

<sup>28</sup> See GNCHR [Observations](#) on the National Action Plan for Children's Rights 2018-2020, 29 November 2018 [in Greek], GNCHR [Contribution](#) to the elaboration of the new Roma Inclusion National Strategy 2021-2027, 8 March 2021 [in Greek], GNCHR [Observations](#) on the National Action Plan for Gender Equality 2021-2025, September 2021, [in Greek], GNCHR, [Contribution](#) to the National Action Plan against Racism, January 2020.

community, social housing, mandatory religious education and long residence requirement for non-EU nationals to claim benefits; (b) establish a central database on children; (c) introduce the child-rights approach to budgeting and budgetary allocations for children, particularly those in vulnerable situations; (d) ensure the sustainability of services funded from external sources.

### **Minor and/or forced marriages**

The GNCHR has welcomed the important step of ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) by Law 4531/2018.<sup>29</sup> Istanbul Convention criminalises forced marriages, thus article 323A of the Penal Code (trafficking in human beings) has been modified in order to include Trafficking in Human Beings for the purposes of forced marriage.

In respect to early marriages in Greece, the GNCHR notes with regret that there is no development to report, which is actually also the case for other crucial provisions of the Istanbul Convention that remains in practice inactive.<sup>30</sup> Pursuant to article 1350 of the Civil Code, marriages where spouses are under the lawful age, are only allowed for significant reasons after court decision.<sup>31</sup> Child marriage practices are identified in Roma Communities and are usually associated with a series of risk factors, such as, school drop outs, unprotected vaginal intercourse, little access to prenatal check-ups, HIV risk and other sexually transmitted diseases, miscarriages as well as various other complications, high rate of child mortality, stress or mental ill-health etc.<sup>32</sup> Previously, the Pan-Hellenic Confederation of Greek Roma ELLAN PASSE (hereinafter ELLAN PASSE), in its 12.10.2020 Memo to the GNCHR,

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<sup>29</sup> See GNCHR [Observations](#) on Draft Law regarding the Ratification of the Council of Europe's Convention on Preventing on preventing and combating violence against women and domestic violence and adaptation of the Greek legislation, 1 March 2018.

<sup>30</sup> GNCHR [Observations](#) on Greece's combined 23rd and 24th periodic report to the Committee on the Elimination of Racial Discrimination (CERD), July 2021, GNCHR [Submission](#) to the UN Human Rights Committee on the List of Issues Prior to Reporting for the Third periodic examination of Greece under the International Covenant on Civil and Political Rights (CCPR), September 2021.

<sup>31</sup> According to the Civil Code the legal age of marriage is 18 years for both sexes, but courts may allow a minor to enter into marriage if it is necessary to do so for a significant reason' (Greek Civil Code, s. 1350). Under Sharia Law, a person can get married once it has reached puberty (Tsavousoglou, 2015).

<sup>32</sup> UNICEF Press release, [Prevalence of child marriage in the Roma population](#), 07 December 2017, [Child Bride practice amongst the Roma Population in Greece: The Greek Response to Child Bride Practice](#), Maria Froxyli, Master Thesis, Victimology and Criminal Justice Tilburg Law School Tilburg University, August 2014, p. 9, 22-23, Council of Europe, Study on "Combating the Isolation of Roma Women and Girls and Promoting their Empowerment" Invisible Lives - Roma Women In Greece, CDEG (2011) 17 prepared by ms Vassiliki Antonopoulou, Consultant Expert, Gender Equality and Human Dignity Department Justice and Human Dignity Directorate DGI - Human Rights and Rule of Law, Strasbourg, 2 December 2011, p. 11-13, ERRC Submission to the Joint CEDAW-CRC General Recommendation / Comment on Harmful Practices: Child Marriages among Roma, 9 September 2011. See also: "To Mov" (a website for women's rights and women's issues), ["Minor weddings in Greece and at international level"](#)

has stressed the great importance for Roma women, who often quit school to enter into an early marriage and childbirth, to attend second chance schools along with their children.

Relating to the data of the Hellenic Statistical Authority,<sup>33</sup> for the period 2001-2019, 831 marriages between children under 15 years old have been recorded (girls: 784, boys: 47), while 35.139 marriages have been recorded in the age of 15 to 19 (girls: 29.531, boys: 5.608).

Bearing in mind the aforementioned situation, the GNCHR deplures, that, despite the promises made by the State competent authorities regarding the addressing of early/forced marriages,<sup>34</sup> there is unfortunately no significant progress to report. In this regard, the GNCHR considers absolutely necessary the collection of qualitative and quantitative data on the subject and the systematic monitoring of the situation on the ground. In addition, supportive measures such as awareness-raising activities to empower girls in Roma communities, provision of family planning services and information actions about contraception, reproductive health care and risks of child mortality, should be promptly applied to start eradicating such phenomena.

### **Social housing/relocation**

The GNCHR notes with disappointment that the housing conditions in many Roma settlements remain substandard and the situation of Roma in Greece is still characterised by social exclusion and deprivation.<sup>35</sup> These include a lack of basic sanitation and washing facilities, lack of energy for cooking, heating and lighting, of refuse disposal and site drainage.

Despite the wider local housing policies<sup>36</sup> and practices such as loan and rent subsidy programs and measures of housing assistance,<sup>37</sup> it appears that the intended beneficiaries have not essentially benefited, while in many cases they are encountered with house owners unwilling to cooperate or with explicit racism by local non-Roma residents-neighbors who react to the perspective of a new social environment.<sup>38</sup> In this regard, the National Commission shares the conclusions of ELLAN PASSE, according to which it is necessary to

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<sup>33</sup> See [Marriages data](#) of the [Hellenic Statistical Authority](#) (ELSTAT).

<sup>34</sup> [State Report](#) prior to the List of issues CRC/C/GRC/4-6 5.3.2020, p. 2.

<sup>35</sup> See GNCHR [Contribution](#) to the elaboration of the new Roma Inclusion National Strategy 2021-2027, 8 March 2021 [in Greek], p. 19-20, Contribution of the Pan-Hellenic Confederation of Greek Roma ELLAN PASSE to the National Roma Strategy 2021-2027.

<sup>36</sup> FRA: [Working with Roma: Participation and Empowerment of local communities](#), 2018, p. 49, [Working with Roma: Participation and Empowerment of local communities](#), 2019, p. 3.

<sup>37</sup> Art. 159 (Temporary relocation of special social groups) of Law 4483/2017 (OGG A 107 31.7.2017).

<sup>38</sup> GNCHR [Contribution](#) to the elaboration of the new Roma Inclusion National Strategy 2021-2027.

develop active schemes of production and housing rather than passive loan and rent subsidy measures.<sup>39</sup>

Indeed, the level of protection of the right of Roma population to housing, including Greece, has constituted a key concern of international, European and national bodies.<sup>40</sup> That said, the GNCHR, referring also to CERD's relevant Recommendation,<sup>41</sup> is of the opinion that housing policies must always be accompanied by additional integration, supportive and awareness-raising measures to combat ghettoisation and antigypsyism and strengthen cooperation and access to safe housing.<sup>42</sup> Strong commitment of local authorities to engage non-Roma citizens, improve relations and empower youth to become active, can play a significant role to this end.<sup>43</sup> Furthermore, the implementation of well-designed regional programmes needs to be supported by adequate and sustainable funding. Mapping of socio-economic and living conditions in Roma settlements should be also considered.<sup>44</sup>

Given the above and acknowledging shortcomings in the implementation of national action plans until today, the GNCHR, appreciates that one of the main challenges of the new Roma National Strategy 2021-2030 (pre-final draft of 4<sup>th</sup> August 2021) to improve equal treatment and foster social inclusion, is housing. According to the National Strategy, actions will be prioritized in order to meet the basic Roma needs in this direction.

Finally, with regard to the disproportionate impact of the pandemic COVID-19, especially on the most vulnerable social groups including Roma, the GNCHR reminds the Greek Government the need of taking the appropriate measures to address the challenges,<sup>45</sup> bearing, at the same time, in mind, the link between inadequate housing and health risks.<sup>46</sup> Moreover the GNCHR

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<sup>39</sup> Contribution of the Pan-Hellenic Confederation of Greek Roma ELLAN PASSE to the National Roma Strategy 2021-2027.

<sup>40</sup> See findings of FRA, EU-MIDIS II, [Second European Union Minorities and Discrimination Survey](#), Main results, 2017, p. 31 and 39, [ECRI Report on Greece](#) (fifth monitoring cycle), 24 February 2015, p... , and of Greek Ombudsman, National Strategy for Roma Integration 2011 and [Press Release: The Ombudsman calls for immediate measures for the protection of minors and the social inclusion of Roma](#), 24 October 2013.. FRA [Housing conditions of Roma and Travelers in the European Union](#), Comparative report, October 2009, p. 35.

<sup>41</sup> CERD (2000) [General Recommendation No. 27](#), Discrimination against Roma, paragraphs 30-32.

<sup>42</sup> FRA, Local Engagement for Roma Inclusion (LERI) Project [Community Summary Aghia Varvara, Greece](#), 2014, FRA, Working with Roma: [Participation and empowerment of local communities](#), 2018.

<sup>43</sup> See also findings of FRA, Working with Roma: [Participation and empowerment of local communities](#), 2018.

<sup>44</sup> European Commission [Assessment Greece national strategy](#) 2014.

<sup>45</sup> GNCHR [Report](#) on the need for protection of human rights with regard to the measures taken in response to the coronavirus (COVID-19) pandemic and recommendations to the State. Description of the issues discussed in the Plenary Meetings during the lockdown Meetings of 8th, 22nd, 29th of April and of 6th May 2020, 12 June 2020, GNCHR [Report](#) regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, 5 July 2021 [in Greek], GNCHR Extraordinary times call for extraordinary responses: [Summary](#) of Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights, 12 July 2021.

<sup>46</sup> ECSR, Decision on the Merits, ERRC v. Bulgaria, Collective Complaint No. 46/2007, (03.12.2008) paragraph 47.

underlines the need for an immediate, realistic and sustainable housing solution as a first step to combat discrimination and marginalisation and ensure social inclusion.

3. Please specify how the determination of best interests of the child is ensured, including with regard to migrant children, and provide data on the use of the Best Interest Assessment Tool in asylum and relocation. Please specify when it is mandatory to seek and take into account children's views. Please comment on the compliance of Law 4636/2019 with the Convention, particularly the use of accelerated asylum procedures, weaker procedural safeguards, immigration detention and reception conditions on school enrolment.

10. Regarding migrant children, please describe the efforts to: ensure child-appropriate reception capacity; review "containment policy"; ban immigration detention and "protective custody;" establish guardianship; facilitate family reunification; prevent and effectively address psychological distress and cases of violence and self-harm; ensure access to quality education, healthcare, appropriate information, legal assistance, interpretation; expeditiously investigate reports of violence and deaths among unaccompanied children and migrant children and bring the perpetrators to justice; ensure victim identification, protection and support in case of exploitation and abuse; and address negative attitudes. Provide information about the impact of the "hot spot" policy on the children's rights.

### **Best Interest Assessment Tool**

The GNCHR deplors the fact, that there is still a lack of formal best interest assessment and/or best interest determination procedures in relation to asylum seeking children.<sup>47</sup> In particular, with regard to unaccompanied minors, Law 4554/2018 on Guardianship of Minors, which sets, among others, procedural rules on how a BIA and a BID of an unaccompanied minor will be carried out and gives the National Center for Social Solidarity the responsibility to develop "model procedures" binding upon guardians, has not yet been implemented. Given the several shortcomings in the reception system and the asylum procedures for unaccompanied minors, the GNCHR reiterates the immediate need for the State competent authorities to put in place formal BIA and BID procedures with strict procedural safeguards and uniform BIA tool for all administrative authorities involved to be used in every decision affecting the child.<sup>48</sup> The best practice of BIAs conducted for the relocation program must be expanded and generalized.

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<sup>47</sup> See GNCHR, [Submission](#) to UNCRC, January 2020.

<sup>48</sup> GNCHR, [Submission](#) to UNCRC, January 2020.

## **Compliance of Law 4636/2019 (International Protection Act) with CRC –Reception conditions and asylum procedures**

With regard to unaccompanied asylum seekers, who fall within the broader category of persons in need for special procedural guarantees, the GNCHR finds extremely worrying, that the explicit reference in previous Law 4375/2016<sup>49</sup> that all unaccompanied minors are exempted from accelerated procedures, was abolished. However, following consultations on the Draft Law 4636/2019<sup>50</sup> and the reactions of many institutions, independent authorities, international organizations and organizations for the protection of refugees and migrants, a new provision was introduced, whereby applications of unaccompanied minors under fifteen (15) years or/and minors, who are victims of trafficking, torture, rape or other serious forms of psychological, physical or sexual violence, were only exempted from accelerated asylum procedures. This last provision was questioned by the GNCHR as to its compatibility with EU law (EU Directive 2013/32 on Guarantees for unaccompanied minors).<sup>51</sup> Apart from the above, the abolition of the automatic suspensive effect of the appeal against first instance decisions rejecting asylum claims, including of unaccompanied children, although compatible under certain conditions with the EU law, it may be contrary to Greece's obligations under the European Convention on Human Rights.<sup>52</sup>

Likewise, the UN Working Group on Arbitrary Detention that visited Greece from 2 to 13 December 2019 upon the invitation of the Government, has urged the authorities to ensure the prompt examination of applications from vulnerable individuals in practice.<sup>53</sup> While Law 4636/2019 provided for a prioritization of their asylum applications, in practice this could not be achieved due, as mentioned above, to shortcomings on vulnerability assessments which prolonged the asylum procedure. Although speedy asylum procedures for vulnerable people are of utmost importance, the fairness of the asylum procedure could be imperiled if not accompanied by a strict compliance with special procedural safeguards provided by law. Therefore, subsequent Law 4686/2020 de-prioritized their asylum applications.

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<sup>49</sup> Law No. 4375 of 2016 on the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC (OGG 51/A' 03.04.2016).

<sup>50</sup> Law 4636/2019 on International Protection (OGG A' 169/A 1.11.2019).

<sup>51</sup> GNCHR Observations on Greece's combined 23rd and 24th periodic report to the Committee on the Elimination of Racial Discrimination (CERD), July 2021, GNCHR [Submission](#) to the UN Human Rights Committee on the List of Issues Prior to Reporting for the Third periodic examination of Greece under the International Covenant on Civil and Political Rights (CCPR), September 2021.

<sup>52</sup> GNCHR [Submission](#) to the UN Human Rights Committee on the List of Issues Prior to Reporting for the Third periodic examination of Greece under the International Covenant on Civil and Political Rights (CCPR), September 2021.

<sup>53</sup> Report of the Working Group on Arbitrary Detention on its visit to Greece, 29 July 2020, A/HRC/45/16/Add.1. par. 81.

Furthermore, the GNCHR, acknowledging the Greek State's efforts to streamline and speed up all procedures through an extended reform of the Greek Law on International Protection,<sup>54</sup> continues to closely monitor the law application, *inter alia*, by conducting on-site visits to Asylum Offices and convening online hearings of relevant stakeholders.<sup>55</sup> A worrying recent development has been the issuance of the Joint Ministerial Decision (JMD) 42799/2021 on the designation of Turkey as a 'safe third country' for third country nationals originating from Syria, Afghanistan, Somalia, Pakistan and Bangladesh. This new legal regime exposes thousands of applicants for international protection to the risks of legal uncertainty, extreme poverty, deprivation of the right of access to healthcare and reception conditions, and/or even generalized detention, given the de facto suspension of returns to Turkey since March 2020 raising issues of compatibility with the non-refoulement principle and EU law.<sup>56</sup> Unaccompanied minors are not excluded from the scope of this JMD and indeed, it is being applied in practice by the asylum authorities. Given that the majority of unaccompanied minors who are asylum seekers in Greece originate from Afghanistan<sup>57</sup> and the recent political developments in the state of Afghanistan, the GNCHR is of the opinion that the JMD must be reviewed.

### **Education of asylum seekers and refugees<sup>58</sup>**

The GNCHR has stressed in its Reference Report on the Refugee and Migrant Issue<sup>59</sup>, the importance of ensuring unhindered equal access of migrant minors to the public system of primary and secondary education, by effectively enhancing their integration into the school morning curriculum, through actions specified in law on Educational Priority Zones (Law 3879/2010). The special provision stipulated in Law 4251/2014<sup>60</sup> provides for the right of

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<sup>54</sup> For further analysis on the GNCHR's positions see GNCHR, [Observations](#) on Draft Law of the Ministry for Citizen's Protection "On international protection: provisions for the recognition and status of third country national or stateless persons as beneficiaries of international protection and other provisions" [in Greek only] and GNCHR, [Observations](#) on Draft Law of Ministry for Migration and Asylum "Improvement of migration legislation, amendments of provisions of Laws 4636/2019, 4375/2016, 4251/2014 and other provisions" [[summary in English](#)]. For the current asylum procedure, visit the official website of the Ministry for Migration and Asylum, [Applying for Asylum](#).

<sup>55</sup> GNCHR, [Press Release](#): the GNCHR held a hearing of bodies on issues of international protection and social security coverage of refugees, 7 July 2020 [in Greek].

<sup>56</sup> See GNCHR [Observations](#) on Draft Law of Ministry of Migration and Asylum "Reform of deportation and return procedures of third country nationals, issues of residence permits and procedures for granting international protection and other provisions within the competence of the Ministry of Migration and Asylum and the Ministry of Citizen Protection" (Summary in English), July 2021

<sup>57</sup> National Center for Social Solidarity (EKKA), Situation Update: Unaccompanied Children (UAC) in Greece, 15 November 2021.

<sup>58</sup> See GNCHR [Observations](#) on Greece's combined 23rd and 24th periodic report to the Committee on the Elimination of Racial Discrimination (CERD), July 2021.

<sup>59</sup> GNCHR, [Reference Report](#) on the refugee and migrant issue 2020 [Greek version], p. 116-120.

<sup>60</sup> Art. 21 par. 8 of Law 4251/2014, *Migration and Social Integration Code*, (OGG 80/A' 1.4.2014).

refugee children to access primary and secondary school (enrolment even with incomplete file and without further requirements). Unfortunately, there are no official data published regularly by the Ministry for Education. Based on data provided by the Ministry for Education to the Greek Ombudsman, on 26/2/2021 4184 children were enrolled in Reception School Annexes for Refugee Education (RSARE), 8.789 children in morning classes of primary and secondary schools without Educational Priority Zones and 1.450 children in schools with EPZ<sup>61</sup>. Based on the GNCHR's monitoring, asylum seeking children hosted in reception and identification centers in the Eastern Aegean Islands have in practice insufficient to no access to formal education.<sup>62</sup>

The GNCHR points out that the measure of Reception School Annexes for Refugee Education (RSARE) for children residing in the camps was a positive measure of temporary character to meet the increasing needs of thousands of children stranded with their families in Greece back in 2015-2016 (see SR par. 245). However, based on the weekly curriculum and the lack of assessment of students' progress and the awarding of a certificate recognized by the Greek state leads to the conclusion that the conditions of "formal education" as defined in Law 3879/2010 are not met. The Greek National Commission notes that the prolonged stay of refugee children in the parallel system of RSARE, does not facilitate their integration into the public education system and the Greek society. Besides, there is no justification for the continuation of operation of RSARE since they were initially implemented given the temporary stay of the families who were supposed to be relocated in another EU country (EU relocation program 2016-2017).

Finally, Article 28 of Law 4636/2019, which re-incorporated into the Greek legal order Directive 2011/95/EU on Qualification (recast) regulates access to education for minors in the same way as minors seeking international protection (beneficiaries of international protection). Every minor beneficiary of international protection has the obligation to join the primary and secondary education of the public education system with the conditions that apply to Greek citizens. In case of violation of this obligation, sanctions are imposed either to the adult members of the minor's family or to the minor himself. For minor applicants, if they do not comply and do not enroll or attend the respective school courses, because they do not

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<sup>61</sup> See [Letter](#) of the Ministry for Education to the Greek Ombudsman, on 26.2.2021.

<sup>62</sup> A recent report by the Greek Ombudsman reveals that the percentage of children residing in accommodation centers in mainland Greece is high, however only a few ultimately follow the classes due to shortages in teaching staff, problems with transport, lack of technological means to follow e-classes (tele-education during the pandemic) and the negative stance by local communities and their own families. See Greek Ombudsman, [Findings](#) on educational integration of children living in facilities and RICs under the Ministry for Migration and Asylum (in Greek), March 2021. See also Refugee Support Aegean, [Excluded and segregated – The vanishing education of refugee children in Greece](#), April 2021.

wish to join the education system, the material reception, conditions will be reduced. On the other hand, for the adult members of the minor's family, administrative sanctions will be imposed, similarly to the Greek citizens. According to the UN High Commissioner for Refugees, the verification that the above conditions are met is difficult, leaving a wide margin of appreciation to the Administration, while it is not compatible with Article 20 of Directive 2013/33/EU, where the reasons for reducing material reception conditions are specifically stated. Irrespectively of the above, in the application of "sanctions" against minors, the best interests of the child must be taken into account in accordance with Article 24 of the EU Charter of Fundamental Rights.

### **Immigration detention**

The GNCHR has repeatedly expressed its concern about the continued and routine detention of unaccompanied minors for lengthy periods in poor conditions and with insufficient care remains.<sup>63</sup> Until recently, unaccompanied minors were detained for prolonged periods in police stations ("protective custody" which was abolished by Law 4760/2020) or in Reception and Identification Centres on the islands in unacceptable living conditions, a practice condemned by various human rights monitoring bodies.<sup>64</sup> In this regard, the GNCHR reiterates its constant observation that unaccompanied minors should always be provided with special care and accommodated in an open (or semi-open) establishments specialised for juveniles (e.g. a social welfare/educational institution for juveniles) operated by the State or monitored by the competent state authorities for their adherence to law requirements.<sup>65</sup>

In times of Covid-19, access to health care for detained migrants is of primordial importance. According to CPT, appropriate health care is not available in all facilities in which migrants are detained. Further, the Committee noted that families with children and unaccompanied or separated children were being held in inappropriate conditions and reiterated its recommendation that the "Greek authorities fundamentally revise their policy regarding the detention of unaccompanied children both for reception and identification purposes and under 'protective custody' in places of deprivation of liberty. In its concluding remarks, the CPT observed other deficiencies in most places of detention such as a general "lack of maintenance of the building (especially the sanitary facilities), poor lighting and ventilation,

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<sup>63</sup> GNCHR Submission to the UN Committee against Torture in response to the List of Issues with regard to the Report of Greece, June 2019.

<sup>64</sup> Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 17 March 2020, 19 November 2020, CPT/Inf (2020) 35, par. 45-46.

<sup>65</sup> See GNCHR, Reference Report on the refugee and migrant issue 2020.

insufficient personal hygiene products and cleaning materials, inability to obtain a change of clothes, lack of information provided to detained persons, no access to daily outdoor exercise, inadequate food.”<sup>66</sup>

Moreover, the GNCHR remains skeptical about the duration of the detention of unaccompanied children in extraordinary circumstances.<sup>67</sup> Unaccompanied asylum seeking children can still be detained “for the safe referral to appropriate accommodation facilities” for a period not exceeding 25 days.<sup>68</sup> However, and before the amendment of 4636/2019 by Law 4686/2020, according to Article 48(2) in case of exceptional circumstances, such as the significant increase in arrivals of unaccompanied minors, detention may be prolonged for a further 20 days. This provision was abolished by Article 61 Law 4686/2020.

### **Guardianship**

On the particular topic of guardianship, there is still a lack of an effective system impeding unaccompanied minors from enjoying a whole variety of human rights enshrined in law. In this respect, the GNCHR reiterates its consistent Recommendation, in line with the relevant Recommendations of UN treaty bodies,<sup>69</sup> to proceed to the appointment as soon as possible of a guardian for each unaccompanied minor, who will exercise genuine care and supervision of the minor.

As a last remark, issues of child protection, especially of migrant children, are complex inter alia since coordination and cooperation of many state bodies are required, while EU institutions, other international organisations and civil society organisations (CSOs) are also involved. In this respect, the GNCHR has welcomed the establishment of the Special Secretariat for the protection of Unaccompanied Minors at the Ministry for Migration and Asylum which has proven efficient in coordinating different stakeholders with the assistance of UN/EU bodies and civil society. Similarly, the establishment of a national tracing and

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<sup>66</sup> Council of Europe, “Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 17 March 2020,” CPT/Info (2020) 35, 19 November 2020.

<sup>67</sup> [Country Report](#), Duration of detention in Greece, 10.6.2021.

<sup>68</sup> [Country Report](#), Duration of detention in Greece, 10.6.2021.

<sup>69</sup> Committee against Torture, Concluding observations on the seventh periodic report of Greece, 3 September 2019, [CAT/C/GRC/CO/7](#), par. 22-23; CERD, Concluding observations on the twentieth to twenty-second periodic reports of Greece, 3 October 2016, [CERD/C/GRC/CO/20-22](#), par. 22-23; Human Rights Committee, Concluding observations on the second periodic report of Greece, 3 December 2015, [CCPR/C/GRC/CO/2](#), par. 31-32; Committee on Economic, Social and Cultural Rights, Concluding observations on the second periodic report of Greece, 27 October 2015, [E/C.12/GRC/CO/2](#), par. 11-12; Committee on the Elimination of Discrimination against Women, Concluding observations on the seventh periodic report of Greece adopted by the Committee at its fifty fourth session (11 February – 1 March 2013), 26 March 2013, [CEDAW/C/GRC/CO/7](#), par. 34-35.

protection mechanism for unaccompanied minors is in the right direction to combat homelessness and preventing children go missing.<sup>70</sup>

4. Please specify the measures taken to facilitate early birth registration of Roma children and correction of birth certificates; plans to remove the indication of parents' religion from identity documents; and progress achieved in the transliteration of non-Greek names in identity documents. Please explain whether a child born in the Greek territory can acquire Greek citizenship provided otherwise he/she becomes stateless. Please also explain how, in the light that Greek law recognizes civil partnerships for the same-sex couples, filiation of children born to these couples is finalized and the conditions under which they can acquire Greek citizenship.

### **Children of same-sex couples**

The GNCHR has welcomed the adoption of Law 4356/2015, noting with emphasis that the inclusion of same-sex couples in the civil partnership pact restores a blatant discrimination of the past. However, the GNCHR confirms that it is a constant request of the LGBTQI+ community to enjoy the right to marriage for all couples, regardless of gender, with full rights (eg. marital benefits, allowances, parental leave, child custody and parental care, childbirth, retirement, inheritance and other tax issues). In this context the GNCHR points out the existence of a significant legislative gap regarding LGBTQI+ couples who have entered into a civil partnership in Greece, which consists in the complete lack of any recognition of parenthood on children born during the civil partnership<sup>71</sup>. At the same time, following the adoption of Law 4356/2015 on the civil partnership pact, the GNCHR appreciates the Greek legislators initiative to expand the eligibility requirements of foster parents, encouraging them to go one step further, allowing both adoption by both partners of the pact, as well as adoption by one partner of the pact of the other partner's child. Yet, unfortunately, significant steps should be taken towards the equivalent legal protection of the rights of children born to same-sex couples.<sup>72</sup>

5. Please specify: (a) progress in implementing the actions on bullying and plans to strengthen teacher training to prevent, detect and address different forms of violence, including based on sexual orientation and gender identity, and to toughen sanctions for abuse by teachers; (b) mechanisms monitoring the implementation of Laws 3500/2006 and 4322/2015; (c)

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<sup>70</sup> UNHCR, [Joint press release](#): Greece launches national tracing and protection mechanism for unaccompanied children in precarious conditions, 6 April 2021.

<sup>71</sup> GNCHR, [Memo](#) to the Committee for the drafting of the National Equality Strategy of LGBTQI +, 25 June 2021 [in Greek], p. 10-11.

<sup>72</sup> [Rainbow Families Greece](#), see also [GNCHR Observations on the Draft Law of the Ministry of Justice "Registered Partnership and other Provisions](#), 2015.

complaint mechanisms and support services for children; (d) efforts to improve data collection on children victims of violence.

### **School violence and Bullying**

The GNCHR has repeatedly stressed the essential role of education for child development, for the realisation of civil and political freedoms and of economic and social rights, emphasizing the needs of children with additional vulnerabilities such as, children living in institutions, Roma children, children with disabilities and chronic diseases, children with learning difficulties or at risk of social exclusion etc.<sup>73</sup> In this regard, the GNCHR notes with concern that so far there has been no further significant progress in practice towards the essential implementation of the regulatory and operational measures to the prevention, detection and addressing of different forms of violence against children, including violence based on sexual orientation and gender identity, as well as measures to tighten sanctions for abuse by teachers.

The GNCHR strongly condemns phenomena of violence especially in the field of education, such as school violence and school bullying,<sup>74</sup> and stresses that it is imperative for schools to ensure a safe environment for all students taking into consideration the notable needs of vulnerable groups of children. As far as bullying is concerned and given that it is a multidimensional phenomenon<sup>75</sup> with different types (physical bullying, verbal bullying, cyber bullying, emotional bullying, prejudicial bullying and sexual bullying), the GNCHR raises its concerns about the protection of vulnerable categories of children, such as refugee and migrant children, Roma children, children with disabilities and LGBTQI+ children, since they are more likely to experience school violence and school bullying.<sup>76</sup> In this regard the GNCHR

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<sup>73</sup> GNCHR [Observations](#) on Greece's combined 23rd and 24th periodic report to the Committee on the Elimination of Racial Discrimination (CERD), September 2021, [GNCHR Submission to UNCRC](#), January 2020. For more detail see GNCHR [EDUCATION \(nchr.gr\)](#) [in Greek].

<sup>74</sup> Written [Information](#) submitted by the GNCHR in relation to the implementation of the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) in Greece, 2016, p. 17 and 63-65, See also UNESCO [What you need to know about school violence and bullying](#), 3.11.2020, UN Office of the SRSG on Violence against Children [Tackling violence in schools: a global perspective Bridging the gap between standards and practice](#), 2016, Addressing Violence in Schools through Education for Democratic Citizenship and Human Rights Education - [Policies on combatting violence in Greek schools \(Draft report\)](#), JOINT MA "EDUCATION & HUMAN RIGHTS"-NATIONAL & KAPODISTRIAN UNIVERSITY OF ATHENS & UCL MINISTRY OF EDUCATION & RELIGIONS ATHENS, NOVEMBER 2015.

UN General Comment no. 13 of the Committee on the Rights of the Child regarding the Right of the Child to freedom from all forms of violence (2011), General comment no. 1 (2001), Article 29 (1), The aims of education.

<sup>75</sup> Eleni Papamichalaki, [School bullying: consequences, risk and protective factors and successful school interventions worldwide](#), Vol. 1 No. 3 (2021): DAH March- August 2021, Lawspot Glykeria - Christina Terzi, [The legal dimension of school bullying](#), 25.9.2018.

<sup>76</sup> GNCHR, Memo to the Committee for the drafting of the National Equality Strategy of LGBTQI +, 25 June 2021 [in Greek], Alexandra Gkouliama, Maria Samakouri and Aspasia Serdar, School bullying and minority identity as a

regrets that the government has neither substantially strengthened the legislative framework nor implemented coherent preventive and interventive anti-bullying practices and measures to date.<sup>77</sup> More specifically and, according to anti-bullying legislation, the first positive development was Law 4322/2015 (art. 8)<sup>78</sup> that completely amended Art. 312 of the Greek Penal Code, which penalizes constant harsh behavior that causes bodily or psychological harm also including under the scope of Law adult victims, an explicit reference on psychological pain and a stricter penal fine for perpetrators (6 months imprisonment instead of three months as provided by previous law). This Law was recently re-modified by Law 4619/2019 (ratification of the Penal Code), which has further developed Art. 312 (Physical injury of weak persons) of the Greek Penal Code in order to establish Bullying as a clear and actual criminal offense,<sup>79</sup> so that the relevant provision acquires a wider field of application. Nevertheless, considering that Bullying consists of acts which may fall under the constitutive element of other offences (insult, threat, personal injury, libel, defamation etc.)<sup>80</sup> also including acts that are not criminal, it is proving difficult to deal with it as a single criminal offense.<sup>81</sup>

Bearing in mind the above mentioned, the question raised is whether criminalization is the answer to counter bullying or whether additional interventions could also aim to prevent or respond to victimisation and bullying behavior.<sup>82</sup> The frequency of the incidents in recent years prove that, despite developments in law, this complex phenomenon has undoubtedly been on the rise.<sup>83</sup> Sufficient interventions including focused awareness-raising actions,

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menace to mental well-being of students in Greece, Published online by Cambridge University Press: 02 December 2020, [Report](#) on Cyberviolence against women and girls, VAWG and CYBERSAFE Frameworkn – Final report on WP2, funded by the European Union's Rights, Equality and Citizenship Programme (2014–2020). See also Anti-Bullying Alliance: Our definition of bullying.

<sup>77</sup> See [Guide of Good Anti-bullying Practices](#) by the European Anti-bullying Network (April 2014) in the framework of the International European Research Program DAPHNE III.

<sup>78</sup> Law 4322/2015 (GG A 42 /27-04-2015) Reform of penal provisions, abolition of detention centers of C type and other provisions. The modification was the consequence of the death of a 20-year-old student at a Dairy School in Ioannina in northwestern Greece in March 2015, who was presented as a victim of bullying by fellow students. Guilty in Bullying suicide in first (7.12.2016) and second degree (7.7.2021) were found 8 of 9 defendants, however the imprisonment sentence can convert into a fine.

<sup>79</sup> See also: legalnews24, "[Moral harassment and mobbing in the workplace in the light of Article 312 of the new Penal Code](#)", Giorgos Kazoleas, 6.4.2021.

<sup>80</sup> See Greek State Report, CRC/C/GRC/RQ/4-6 1.12.2021.

<sup>81</sup> Fotis Spyropoulos, [Bullying and Greek criminal law](#), Crime in Crisis, Honorary Volume, Nestor Courakis 25.1.2016,

<sup>82</sup> Fotis Spyropoulos, [Bullying and Greek criminal law](#), Crime in Crisis, Honorary Volume, Nestor Courakis 25.1.2016, NL Children's Ombudswoman: [Children's Ombudswoman wants to make bullying a crime](#).

<sup>83</sup> See [psycologie.gr: Violence in schools is unfortunately increasing, as well as, the concern of parents and students](#), 30.11.2021, [tovima.gr: School violence - The four incidents that shocked us - What actions does the Ministry of Education take?](#), 28.11.2021, [offlinepost.gr: Bullying: a legal approach on the occasion of World Bullying Day](#), Vassilis Kottas, 6.3.2019, Scientific Journal Articles, [Bullying around national diversity in Greece and Great Britain. Is "intercultural education" the proper solution?](#) MAKRIS ATHANASIOS and MARKOU PARASKEVI, 3.11.2015.

among others, through mass media, training and information activities implemented in the school setting could also change attitudes or reactions, eradicate and combat bullying. Nonetheless, the GNCHR reiterates that implementation of legislation and interventions should be underpinned by the systematic collection of comprehensive, robust and disaggregated data on all forms of violence against children. Sharing the concerns reported by CRC in its 2012 Concluding Observations regarding the lack of a consolidated national system of reliable statistical data collection on children experiencing violence and other forms of abuse, along with strong monitoring capacity, are definitely a key challenge impeding progress in the field.

Overall the GNCHR acknowledges the positive steps and initiatives taken by the State to prevent and tackle the phenomenon of school violence and bullying.<sup>84</sup> In this respect the National Commission appreciates the actions carried out by the Division of Hellenic Police for Cyber Crime,<sup>85</sup> and the recent initiative "Break the Silence - Speak, Do Not Tolerate" of the Deputy Ministry of Sports under the Council of Europe program for "Children protection in Sport" to encourage victims to break their silence.<sup>86</sup> At the same time, as already mentioned, the GNCHR encourages the competent State authorities to improve the relevant policies and legislation.<sup>87</sup> Good and effective practices such as awareness-raising campaigns on preventing and combating school violence and bullying, accredited and effective anti-bullying programmes, timely and successful school intervention are key factors for both preventing and tackling bullying.<sup>88</sup> Moreover, the GNCHR points out that preventing and addressing bullying require first of all the active participation of all stakeholders: teaching and administrative staff, parents and guardians.<sup>89</sup> They all have a role and are responsible for cultivating respect towards the different and build young people's empathy and sense of

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<sup>84</sup> [New measures against bullying in schools](#): Rewarding student behavior, change of pedagogical measures, reopening of the Observatory against Violence, 4.3.2020.

<sup>85</sup> By virtue of Presidential Decree 178/2014, the Hellenic Police Cyber Crime Division operates a Unit of Minors' Internet Protection and Digital Investigation.

<sup>86</sup> See also Statement of the Greek National Commission of Human Rights (GNCHR) on sexual abuse incidents in the context of exploitation in power relations in the light of the recent complaints in sport. The Statement was adopted by the Plenary of the GNCHR on 20.1.2021, [School bullying in contemporary Greece- An empirical examination of school bullying and its prevention in the Greek Press](#), Georgios Miliotis, Linköping University, Master's thesis, Spring-autumn 2017.

<sup>87</sup> Psychology, Health & Medicine, *Bullying in schools: the state of knowledge and effective interventions*, Ersilia Menesini & Christina Salmivalli, 24 Jan 2017. A good practice is the signing of a memorandum of understanding between KETHEA and the Hellenic Ministry of Education in relation to preventing and dealing with bullying and inter-pupil violence in schools.

<sup>88</sup> European Commission, [Anti-bullying Practices from the Repository of the European Platform for Investing in Children \(EPIC\)](#).

<sup>89</sup> Eleni Papamichalaki, [School bullying: consequences, risk and protective factors and successful school interventions worldwide](#), Vol. 1 No. 3 (2021): DAH March- August 2021.

responsibility. In this respect, the GNCHR appreciates the adoption of Law 4823/2021 that provides for the evaluation of teachers' educational abilities and teachers' duty to create an environment of mutual trust, and respect.

6. Please specify the measures taken to: (a) deinstitutionalise children with disabilities (Ministerial decision 60135/1579), by ensuring access to day care and developing community services, including for leisure and play, and for children with severe disabilities; (b) prevent and address violence in institutions; (c) strengthen access to quality healthcare; (d) provide adequate financial support; (e) improve data collection. Specify progress in implementing Laws 3699/2008, 4368/2016 and 4547/2018 regarding inclusive education. Furthermore, please provide information about the situation of children in Children's Care Centre in Lechania.

### **Deinstitutionalise children with disabilities (Ministerial decision 60135/1579)<sup>90</sup>**

The GNCHR welcomed at the end of 2017, a pilot deinstitutionalization (DI) program started to be implemented in the areas of Attica (Skaramangas) and Western Greece (Lechaina), which, after that, according to the relevant Joint Ministerial Decision (JMD) 60135/1579/2017 "Program: 'Deinstitutionalization of persons with disabilities'" (OGG 4590/B'), aimed to relocate all persons with disabilities who live in the close-oriented structures located at Skaramangas and Lechaina to daycare centers, which are more community and/or family-oriented. Also, this JMD gave to persons with disabilities who lived in the abovementioned structures the possibility to return to their family environment by receiving, in parallel, support. Following the positions of the National Confederation of Disabled People (hereinafter NCDP),<sup>91</sup> although the project has been implemented for almost four years and despite the disability's movement, parallel and continuous pressure both at central and political level and at the administrations of the Social Welfare Centers of Attica and Western Greece, poor changes have taken place so far.<sup>92</sup>

More specifically, regarding children living in Children's Care Centre in Lechaina, a small number of them left this institution and, unfortunately, was transferred to a similar

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<sup>90</sup> Contribution of the National Confederation of Disabled People (hereinafter NCDP, in Greek ESAMEA) to the GNCHR, 11 November 2021.

<sup>91</sup> NCPD is an umbrella organization founded and established in 1989. Its mission is to protect the interests of persons with disabilities, promote their rights and monitor the law and policy-making of the Greek State on issues concerning themselves and their families. The NCPD actively participates and is involved in the decision-making process at all levels of the organization of the Greek State.

<sup>92</sup> See, for example, NCDP Observatory on Disability Issues (2020). Study for shaping the conditions and the contexts of Independent living in community. Athens: National Confederation of Disabled People. Available at: <https://www.paratiritirioanapirias.gr/storage/app/uploads/public/60a/b5d/4ab/60ab5d4abd6d5729983458.pdf>

institutional care center in Attica. As for the remaining children who still live in Lechaina, a significant number of them has been evaluated and 'soon' will be transferred to Supported Living Homes. Regarding the living circumstances and the provision of services to children who still live in Lechaina, they have been significantly improved since 2017. They will be further improved until all children from there are transferred to the Supported Living Homes.

In addition to the above mentioned, the GNHR welcomes two more developments towards the DI of children with disabilities. The first action is related to the Social Welfare Center of Attica and, specifically, to its decision to start gradually the deinstitutionalization of children who live in the Center's child protection structures. Among these children are also children with intellectual/developmental disabilities. The second action concerns the foster care and adoption of children with or without disabilities. More specifically, the recent enactments of the Laws 4538/2018, 4756/2020 -specifically Article 6- and 4837/2021<sup>93</sup> (Part C) regarding the measures for the promotion of foster care and adoption as well as the re-organization of the National Council of Foster Care and Adoption in 2021, show that foster care and adoption is a priority at the political agenda of the Ministry of Labor and Social Affairs. Moreover, the active promotion and implementation of these two legal schemes are important for deinstitutionalizing children with disabilities and preventing institutionalization.

As far as the DI national strategy is concerned, it should be here mentioned that in 2019, the Ministry of Labor and Social Affairs asked the European Association of Service providers for Persons with Disabilities (EASPD) for technical support to complete the DI national strategy. Therefore, while the project "Technical Support of Deinstitutionalization (DI) process in Greece" was completed in summer 2021, the DI national strategy remains uncompleted.<sup>94</sup>

Finally, it should be underlined that there is not any provision for support services aimed at strengthening and empowering families. For example, a service program such as "Help at Home" currently exists in Greece aimed at supporting families. The GNCHR, bearing in mind the discussions on DI and the measures required for the relocation of children with disabilities from the institutions to the society, stresses that there is no measure undertaken for "gate-keeping." In this regard, the GNCHR shares the NCDP positions, according to which, due to lack of information, many families wrongly believe that if their children with

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<sup>93</sup> Law 4837/2021 *Prevention and treatment of incidents of abuse and neglect of minors, "Kypseli" Program for upgrading the quality of services provided in nurseries and Kindergartens and provisions for the promotion of foster care and adoption, "Personal Assistant for Persons with Disabilities" and other provisions* (OGG 178/A/1-10-2021). See also p. 26, 27 and 28 of the current Report.

<sup>94</sup> For more info, regarding the project "Technical Support of Deinstitutionalization (DI) process in Greece" see at <https://easpd.eu/project-detail/di-greece-technical-support-on-deinstitutionalisation-di-process-in-greece/>

disabilities “continue to live” in institutions, they will receive better support and access to various services. The “gate-keeping” relates to measures that need to be taken to prevent parents and families from placing their children with disabilities in closed institutions and structures.

### **Prevent and address violence in institutions**

Regarding the prevention and addressing violence in institutions, the recent Law 4837/2021<sup>95</sup> tightens the existing framework for preventing and addressing violence in institutions. The new Law introduces the “Juvenile Protection Officer” who is obliged to collect and record reports of incidents of child abuse -either oral or written, anonymous or personal- and to notify the competent authorities, such as the Prosecutor, the nearest police authority, or social services, regarding the incident. Unfortunately, since the law was enacted quite recently (October 2021), its results cannot be assessed yet.

### **Regarding Law 3699/2008<sup>96</sup>**

The GNCHR appreciates the adoption of Law 3699/2008,<sup>97</sup> which sets the legal framework concerning the Special Education of persons with disabilities or special educational needs, pupils and students with disabilities can attend: i) mainstream schools with or without parallel support from a teacher providing special education, ii) inclusion classes that operate within the general education system, or iii) special schools depending on the type and severity of the disability and/or special educational needs. In the school year, 2019-2020, the number of pupils with disabilities and/or special educational needs (with or without certification) who attend mainstream and special schools of primary and secondary education were 101.683 (which is 7% of the total student population). In terms of gender, it needs to be stressed here that only 3 to 10 pupils with disabilities and/or special educational needs were girls.<sup>98</sup>

While the law 3699/2008 recognizes Braille as the official written system for blind pupils and pupils with visual impairments, the latter faces several barriers to access the educational

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<sup>95</sup> See Footnote 93.

<sup>96</sup> Contribution of the National Confederation of Disabled People (hereinafter NCDP, in Greek ESAMEA) to the GNCHR, 11 November 2021.

<sup>97</sup> Law 3699/2008 *Special Education and Training of persons with disabilities or special educational needs* (OGG 199/A' 02.10.2008).

<sup>98</sup> NCDP Observatory on Disability Issues (2021). *10<sup>o</sup> Δελτίο του Παρατηρητηρίου της Ε.Σ.Α.μεΑ.: Στοιχεία για την εκπαίδευση των μαθητών με αναπηρία ή/και ειδικές εκπαιδευτικές ανάγκες* [10<sup>th</sup> Bulletin of the NCDP's Observatory on Disability Issues: Data on the education of pupils with disabilities and/or special educational needs. Athens: National Confederation of Disabled People. Available at: <https://www.paratiritirioanapirias.gr/storage/app/uploads/public/60e/841/ebb/60e841ebb014e785604231.docx>

material. More specifically, many of the schoolbooks are not available yet in Braille. Moreover, most of the available ones are for pupils in primary education, while there are also mistakes in their transcription because of the use of obsolete technologies.

In 2018, there was an initiative by the Ministry of Education, Research and Religious Affairs (current Ministry of Education and Religious Affairs) to establish a working group regarding the transcription of schoolbooks in Braille both for the pupils studying at the primary and secondary education, however, until today there are no results of this attempt.<sup>99</sup>

The very limited access to early intervention and pre-school services for children with disabilities is a crucial weakness of the Greek educational system, despite the developments that took place by virtue of Law 3699/2008. The situation is even worst for children under 4 years old since this service does not exist for them. As for the available ones, they are provided by a few non-governmental agencies.

Finally, another issue that arises from the non substantial implementation of Law 3699/2008, is the accessibility of school infrastructures, since a significant number of them is still not accessible to pupils and students with disabilities. Also, while Law 3699/2008 foresees the establishment of the Committee for the School Accessibility, this committee, almost 14 years since its enactment, still does not operate.

Regarding the early detection of learning disabilities, Law 4837/2021 introduces the program "KYPSELI".<sup>100</sup> The early detection of any learning difficulties or disabilities and, when needed, the children's referral to experts are among the activities introduced by this project. However, it needs to be mentioned that while a legal framework from early detection has been established, it appears a gap regarding the necessary legal framework for the individualized intervention.

### **Parallel Support and Inclusion Classes**

*Parallel Support* and *Inclusion Classes* are two schemes/practices that have been established for pupils with disabilities and/or special educational needs. However, both schemes/practices are facing many barriers to their proper implementation. Specifically regarding the *Parallel Support* scheme, because of the lack of adequate financial resources,

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<sup>99</sup> NCDP Observatory on Disability Issues (2021). *10<sup>ο</sup> Δελτίο του Παρατηρητηρίου της Ε.Σ.Α.μεΑ.: Στοιχεία για την εκπαίδευση των μαθητών με αναπηρία ή/και ειδικές εκπαιδευτικές ανάγκες* [10<sup>th</sup> Bulletin of the NCDP's Observatory on Disability Issues: Data on the education of pupils with disabilities and/or special educational needs. Athens: National Confederation of Disabled People. Available at: <https://www.paratiritirioanapirias.gr/storage/app/uploads/public/60e/841/ebb/60e841ebb014e785604231.docx>

<sup>100</sup> See Footnote 93.

there are serious delays in the teachers' recruitment process. As a result, while many pupils with disabilities have been granted access to receiving *Parallel Support*, they get it much later than the beginning of the school year. Furthermore, the limited budget has also consequences on the recruitment process since the number of teachers that will be hired is inadequate with regard to the number the pupils granted access to this scheme. Consequently, *Parallel Support* is often provided only for limited hours per pupil. Even more limited access to *Parallel Support scheme* - compared to pupils with disabilities and/or special educational needs that study at primary education- is that of pupils with disabilities and/or special educational needs that study at secondary education.

As for the *Inclusion Classes* scheme, the lack of adequate staff and the large number of pupils that should be included in them are some serious barriers regarding their implementation. More specifically, the significant increase to the average size of the classes as well as the synthesis of the classes -since they consist of pupils with different types of disability and severity levels as well as by pupils who might have a poor school performance or face other issues and for whom there is no known reason why they place them into these classes- are some critical issues that make this scheme not to operate properly.

In addition to the above-mentioned, the GNCHR regrets that, despite the explicit commitment of the State towards the implementation of the Strategic Plan for Equal Access of Students with disabilities to Education of the Ministry of Education and Religious Affairs,<sup>101</sup> both remain unclear, the content of the Strategic Plan and its implementation measures. Recently, the GNCHR drew the State's attention on the need to fully implement the existing legislation for the education of students with disabilities and/or special educational needs, which attend their schools with parallel support or in integration departments of general schools or in Special Education Schools.<sup>102</sup> In this regard, the GNCHR underlines that the State's incapacity to sufficiently and promptly satisfy the basic needs of students with disabilities and ensure their inclusion in the educational process, further deepens the discrimination and stigmatization against them.

### **Regarding Law 4547/2018**

The Law 4547/2018 "*Reorganizing supportive structures in primary and secondary education and other provisions*" foreseen to reform the diagnostic and supportive system services with an orientation towards a more inclusive educational system. However, there are still a lot of issues on the proper operation of the existing supporting structures of education face,

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<sup>101</sup> See State Report, Reply to the List of issues, CRC/C/GRC/RQ/4-6, 1.12.2021.

<sup>102</sup> See [The GNCHR expresses its concern about the problems in the education of children with disabilities and / or special educational needs](#), [in Greek], 26.10.2021.

particularly the Centers of Educational and Counseling Support (KESY). More specifically, the severe staff shortage at KESY, inadequate and non-accessible buildings, shortages of psychometric assessment tools, shortcomings in material and technical infrastructures, and shortage of cleaning staff are some examples of the issues that the existing supportive structures of education currently face.<sup>103</sup>

### **Regarding Law 4368/2016**

As for the implementation of 4368/2016, despite what the law foresees, there is still a lack of care for shaping an inclusive culture. Moreover, there is a significant lack of designing co-educational programs between mainstream schools and special education schools as well as an interconnection/networking between the school and community services is still missing.

7. Please specify how the measures taken contributed to improving access to healthcare and quality education for all children. Also, inform the Committee on progress in strengthening teaching capacity and integrating children's rights and sexual education into school curricula and teacher training. Please specify efforts to: improve school infrastructure and transportation; ensure safe access to school; provide and maintain a sufficient number of certified playgrounds for young children and spaces for adolescents; and increase the early childcare capacity. Please provide information on the measures taken to address the issues related to intersex children.

### **Sexual education, teacher training and intersex children**

The GNCHR welcomes the initiative of the Ministry for Education and Religious Affairs, which introduced from the school year 2020-2021 onwards, the pilot action entitled "Skills Workshops" into the compulsory school program of all Kindergartens, Primary and Secondary Schools across the country.<sup>104</sup> The aim of the "Skills Workshops" is to enhance the cultivation of: i) skills of the 21<sup>st</sup> century (soft skills), ii) life skills, iii) IT, engineering and science skills and iv) cognitive skills, in all education levels. They include **four topics** as they derive from the indicators of Sustainable Development: i) well-being, ii) environment, iii) social awareness and responsibility, iv) creative thinking and innovation. With regard to sex education, which is part of the first topic of the Workshops, the GNCHR notes that the relevant material mainly

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<sup>103</sup> NCDP's Observatory on Disability Issues (2020). *2020 Annual Report on Disability*. Athens: National Confederation of Disabled People. Available at: <https://www.paratiritirioanapirias.gr/storage/app/uploads/public/606/22d/ebe/60622debedec1313031848.pdf>

<sup>104</sup> See Ministerial Decision No. 94236/ΓΔ4/2021, Curriculum Framework for Skills Laboratories of all types of schools, Kindergartens, Primary and Secondary Schools, (OGG 3567/B' 4.8.2021). See also Alfavita [Skills Workshops in schools: Curriculum and thematic units](#), 4.8.2021, European Commission, EACEA, Eurydice [Greece, Teaching and Learning in Primary Education](#), 19 April 2021.



focuses on sexual health, contraception, impact and harms of pornography, physical and digital harassment and abuse,<sup>105</sup> rather than implementing a comprehensive sexual education (CSE). It appears that the available material does not reflect the dimension of social and biological gender nor does it promote an effective tolerance and respect for diversity in schools.<sup>106</sup> However, the GNCHR points out that in the website of the Institute of Educational Policy, which is responsible for educational programs and curricula, awareness-raised teachers can find [material](#) published by unions and organizations, that deals with comprehensive sexual education, including LGBTQ issues.<sup>107</sup> Besides, a comprehensive sexual education entails a comprehensive preparation and an appropriate training of teachers and educators.<sup>108</sup> In this respect, the GNCHR reiterates its recommendations about the need for effective measures at all education levels through anti-discrimination programs and relevant educational material, in order to promote respect for diversity in school environment, irrespective of sexual orientation and gender identity.<sup>109</sup> Overall the GNCHR recommends to the competent State authorities and Organisations that the Skills Workshops should not be seen as individual educational interventions, but they should be implemented accompanied by continuous education of teachers and specialized school curricula aiming, in line also with UNESCO [toolkit](#), to equip students with the knowledge, attitudes, values and skills suitable for the development of respectful social and sexual relationships and to consider how their choices affect their own well-being and that of others.<sup>110</sup>

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<sup>105</sup> See in the website of the Institute of Educational Policy the relevant printed material under the Title: *Discovering my body - sex education, "The course of adolescent relationships from yesterday until today"*.

<sup>106</sup> See in the website of the Institute of Educational Policy the relevant printed material under the Title: *Discovering my body - sex education, "The course of adolescent relationships from yesterday until today"*. See website of the [Organisation Intersex Greece](#) and especially the [Campaign](#) for Comprehensive and Inclusive Sex Education Moving Forward (ProHorao) co-signature text By Rainbow School.

<sup>107</sup> - [search - Institute of Educational Policy \(Ινστιτούτο Εκπαιδευτικής Πολιτικής\) \(iep.edu.gr\)](#)

- <https://rainbowschool.gr/>

- Experimental High School of Rethymnon, [Teacher's Manual](#) (3rd Grade of Gymnasium)

<sup>108</sup> See website of the [Organisation Intersex Greece](#) and especially the [Campaign](#) for Comprehensive and Inclusive Sex Education Moving Forward (ProHorao) co-signature text By Rainbow School.

UNESCO online [toolkit](#) for designing or reviewing programmes on comprehensive sexuality education (CSE).

<sup>109</sup> GNCHR Statement [in Greek]: [Ensuring the timely start of the school year for children with disabilities and/or special educational needs](#), 22 July 2016.

<sup>110</sup> The Committee on the Elimination of Discrimination Against Women urges states parties to make sexuality education compulsory and to provide it "systematically" in schools, including vocational schools ([General recommendation No. 36](#) (2017) on the right of girls and women to education). The Committee on the Rights of the Child similarly recommends that states parties make sexuality education part of the official curricula for primary and secondary school and has expressed concern about programs that allow parents to opt-out on behalf of their children, UNESCO online [toolkit](#) for designing or reviewing programmes on comprehensive sexuality education (CSE), Center for Reproductive Rights: [An International Human Right: Sexuality Education for Adolescents in Schools](#), 9.1.2008.

With respect to intersex children,<sup>111</sup> the GNCHR considers it necessary for the competent State authorities to take the appropriate and essential steps towards their effective protection. The National Commission, along with the resolutions of the Council of Europe and the European Parliament,<sup>112</sup> and sharing the positions of the Greek Transgendered Support Association which appoints a member in the Plenary of the GNCHR, underlines that the key issue is to prohibit medically unnecessary sex-“normalising” surgery, sterilisation and other treatments practised on intersex children without their informed consent and implement this prohibition in practice.<sup>113</sup> Additionally, the GNCHR finds it important that the term gender characteristics must be widely adopted in the legislation, while registration, access or change of legal gender recognition must be also further facilitated.<sup>114</sup>

### **Access to health care and quality education in times of crisis**

The GNCHR, monitoring the compliance of the competent State authorities with the CRC 2012 Concluding Observations (COBs, par. 51) and with its recommendations about the access to health care and inclusive education,<sup>115</sup> reiterates its deep concerns regarding the chronic problems in the access to both health care and inclusive education as well as the lack of relevant data.<sup>116</sup>

The GNCHR, taking into account all the legislative and political developments on the issue of education, as well as the particular needs of vulnerable categories of children, suggests that for the effective protection of the right to education, both the right to access education and the right to receive an education of good quality should be ensured. Education must be available and accessible but also acceptable and adaptable.<sup>117</sup> From this point of view, the GNCHR

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<sup>111</sup> The GNCHR adopts the definition of the United Nations Office of the High Commissioner for Human Rights, ([Free and Equal Campaign Factsheet: Intersex](#), 2015), according to which “*Intersex is an umbrella term used to describe a wide range of natural bodily variations. Intersex people are born with sex characteristics that do not fit typical binary notions of male or female bodies*”.

<sup>112</sup> [Resolution](#) 2191 (2017) of the Council of Europe and [Resolution](#) of the European Parliament of 14 February 2019.

<sup>113</sup> [Press Release](#): International Awareness Day for Intersex Individual -Urgent need for protecting them through legislation, 26.10.2021

<sup>114</sup> [National Strategy for Equality of LGBTIQ+](#), [in Greek], June 2021, p. 51-53, Greek Transgendered Support Association, [Press Release](#): International Awareness Day for Intersex Individual -Urgent need for protecting them through legislation, 26.10.2021 and [Press Release](#) Intersex Day of Solidarity, 8.11.2021.

<sup>115</sup> CRC, Consideration of reports submitted by States parties under article 44 of the Convention, Concluding observations: Greece, 13 August 2012, [CRC/C/GRC/CO/2-3](#), par 51. See also [GNCHR Submission to UNCRC](#), January 2020.

<sup>116</sup> [The GNCHR Observations](#) on the National Plan of Action for Children's Rights (2018-2020) [in Greek], p. 35, 43, 46.

<sup>117</sup> See the definition of [Quality Education](#) of the [Right to Education Initiative](#) (RTE), which is an international human rights organisation focusing on the right to education. It is initially established in 2000 by the first UN Special Rapporteur on the right to education.

remains concerned over the absence of a holistic approach regarding the issue of human rights education,<sup>118</sup> especially in times of crisis, where, as the pandemic recently proved, disadvantaged students have been extremely affected.<sup>119</sup> The views of the UN Committee on the Rights of the Child in its 2012 Concluding Observations (COBs, par. 27 b), regarding equal access of vulnerable categories of children to quality education, remain, unfortunately, contemporary.<sup>120</sup>

Moreover, the GNCHR, bearing in mind that Greece is one of the Countries with the longest and most uninterrupted period of school closure,<sup>121</sup> emphasised the adverse impact on the education and well-being of children,<sup>122</sup> especially on the most vulnerable of them such as Roma children, children with disabilities, refugee or asylum-seeking children and children living in poverty.<sup>123</sup> Unfortunately the measures to combat the health crisis in Greece have resulted, according to the available data and research, in a decreased access of children to education and health,<sup>124</sup> while, at the same time, they exacerbated phenomena such as domestic violence (according to the organisation Smile of the Child), child abuse and neglect and unwise Internet use.<sup>125</sup> Furthermore, the National Commission points out that benefits

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<sup>118</sup> GNCHR [Observations](#) on Greece's combined 23rd and 24th periodic report to the Committee on the Elimination of Racial Discrimination (CERD), July 2021, GNCHR [Submission](#) to the UN Human Rights Committee on the List of Issues Prior to Reporting for the Third periodic examination of Greece under the International Covenant on Civil and Political Rights (CCPR), September 2021, Written [Information](#) submitted by the GNCHR in relation to the implementation of the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) in Greece, 2016, p. 17.

<sup>119</sup> GNCHR Extraordinary times call for extraordinary responses: [Summary](#) of Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights, 12 July 2021.

<sup>120</sup> CRC, Consideration of reports submitted by States parties under article 44 of the Convention, Concluding observations: Greece, 13 August 2012, [CRC/C/GRC/CO/2-3](#), par. 27. b.

<sup>121</sup> Only special education schools operated normally. See KEMETE, OAME (Centre for Research and Documentation OLME), [Press Release](#): Study on "Aspects of distance education during the pandemic: Educational inequalities and consequences for labor rights", April 8, 2021, p. 1.

<sup>122</sup> European Committee of Social Rights (ECSR) [Statement](#) on COVID-19 and social rights adopted on 24 March 2021

<sup>123</sup> GNCHR [Report](#) on the need for protection of human rights with regard to the measures taken in response to the coronavirus (COVID-19) pandemic and recommendations to the State. Description of the issues discussed in the Plenary Meetings during the lockdown Meetings of 8th, 22nd, 29th of April and of 6th May 2020, 12 June 2020, GNCHR [Report](#) regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, 5 July 2021 [in Greek], GNCHR Extraordinary times call for extraordinary responses: [Summary](#) of Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights, 12 July 2021. According to the latest published data of UNESCO, in Greece the schools remained closed for a total of 36 weeks. See UNESCO, COVID-19 impact on education. [Global monitoring of school closures](#) (updated 24.4.2021), European Committee of Social Rights, [Statement](#) on COVID-19 and social rights, adopted on 24 March 2021, σελ. 9.

<sup>124</sup> See KEMETE, OAME (Centre for Research and Documentation OLME), [Press Release](#): Study on "Aspects of distance education during the pandemic: Educational inequalities and consequences for labor rights", April 8, 2021, p. 1.

<sup>125</sup> European Committee of Social Rights, [Statement](#) on COVID-19 and social rights, adopted on 24 March 2021, p. 9-10. See also The Smile of the Child, [Press Release](#) *The Smile of the Child responded to unprecedented conditions*

and risks, including socio-economic factors, should be taken into account for all decisions relating to children. The GNCHR, fully agreeing with the General Comment No. 25 (2021) on children's rights in relation to the digital environment of the UN Committee on the Rights of the Child that, if digital inclusion is not achieved, existing inequalities are likely to increase, and new ones may arise, seizes the opportunity to recommend that, when designing children targeted policies, competent Authorities must take into account the following four principles: (a) non-discrimination, (b) best interest of the child, (c) right to survival and development and (d) respect for the views of the child.<sup>126</sup> Awareness raising and information campaigns should regularly take place, even after the end of the health crisis.

8. Please provide information on: (a) measures taken to prevent and address suicide among children and their impact on its prevalence; (b) impact of measures to address substance abuse; (c) measures to address the issues related to children in street situations; (d) plans to address baby abandonment; (e) impact of the "No-Child-Along" scheme; (f) composition of the Youth Parliament (YP) and how the representation of children of different origins and children with disabilities is ensured in YP and Students Councils.

9. Please clarify steps taken to: promote equal parenting; to align the child's right to maintain personal relations and direct contact with a non-resident parent with the Convention; and ensure proper application of the Hague Convention on Civil Aspects of International Child Abduction. Clarify progress in adopting the National Deinstitutionalisation Strategy; increasing family support and community services; strengthening foster care, including for unaccompanied children; establishing standards for care provision and emergency accommodation; and ensuring review of placement.

### **Measures taken to prevent and address suicide among children and their impact on its prevalence**

The GNCHR underlines that no particular legal or other frame have been adopted to prevent or address in a comprehensive manner this issue of utmost importance. However, the GNCHR

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*caused by the pandemic by supporting 57,722 children and families in 2020*, February 3, 2021. See also GNCHR [Report](#) on the need for protection of human rights with regard to the measures taken in response to the coronavirus (COVID-19) pandemic and recommendations to the State. Description of the issues discussed in the Plenary Meetings during the lockdown Meetings of 8th, 22nd, 29th of April and of 6th May 2020, 12 June 2020, GNCHR [Report](#) regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, 5 July 2021 [in Greek], GNCHR Extraordinary times call for extraordinary responses: [Summary](#) of Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights, 12 July 2021.

<sup>126</sup> UNICEF, [Government digital services and children: pathways to digital transformation RAPID ANALYSIS](#) January 2021.

appreciates actions undertaken by CSOs such as the NGO Klimaka,<sup>127</sup> which provides information concerning children's suicidal behaviors and also publishes support guides as the [guide](#) for young children, parents and teachers to identify and prevent such behaviors under the support of the Ministry of Health. Additionally, Klimaka runs a 24 suicide-helpline (1018) for direct intervention in case of emergency.

### **Impact of measures to address substance abuse**

The GNCHR expresses its worries about the extreme increase, compared to pre-Covid times, of alcohol use, also reflected in the call center of Alcoholics Anonymous, as well as about the increased to unprecedented levels use of cannabis and cocaine and psychotropic drugs and narcotics during the pandemic.<sup>128</sup> In this regard, the National Commission raises its deep concerns about the easy access to alcohol and drugs in case of children, since the competent State authorities seem unprepared to respond effectively to this phenomena,<sup>129</sup> which obviously depict the new trends in, at least, European level.<sup>130</sup> Furthermore, the GNCHR points out that the latest available data on drug use among the general population in Greece derive from the household survey conducted by the University Mental Health Research Institute in 2004.<sup>131</sup>

In light of the above mentioned, the GNCHR appreciates the extension until 2025 of the Cooperation Protocol between the Ministry of Citizen Protection and the [Organization against Drugs](#) (OKANA). According to a recent '[Pan-Hellenic Survey on Students Population in Schools regarding Substance Abuse and other Addictive Behaviors](#)' (2019), conducted by the [Research Institute of Mental Health](#) in cooperation with the Psychological Health Department of the National and Kapodistrian University of Athens (EKPA), approximately 23,2% of students are regular smokers, while the overwhelming majority of them (93,4%) have an easy access to

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<sup>127</sup> [Klimaka](#) Suicide Prevention Day Center.

<sup>128</sup> See Lifo, Interview by Nikos Thomaidis, Professor of Analytical Chemistry at EKPA, on wastewater in Attica: [Large increase in psychotropic drugs and narcotics](#) (increase 60% of cocaine use), 22.4.2021, Ekathimerini, [Analysis of waste sheds light on lockdown habits](#), Tassoula Karaiskaki, 04.09.2020, Naftemporiki.gr, Covid-19, The 7 pandemics in the pandemic, 27.2.2021 (sale of alcohol products up to 85% compared to 2019).

<sup>129</sup> The data in pre-Covid times show increased use of alcohol and drugs. For more detail see: '[Pan-Hellenic Survey on Students Population in Schools regarding Substance Abuse and other Addictive Behaviors](#)', (2019) implemented by the [Research University Institute of Mental Health](#), Neuroscience & Medicine Precision "KOSTAS STEFANIS" in cooperation with the Psychological Health Department of the National Kapodistriako University (EKPA) and supported by the [European School Survey Project on Alcohol & Other Drugs](#) (ESPAD) and the [European Monitoring Centre for Drugs & Drug Addiction](#). The Survey is part of the [ESPAD Report 2019](#) Results from the European School Survey Project on Alcohol and Other Drugs.

<sup>130</sup> See [European Monitoring Centre for Drugs & Drug Addiction](#), [European Responses Guide](#)

<sup>131</sup> [European Monitoring Centre for Drugs and Drug Addiction \(EMCDDA\)](#), [Greece Country Overview](#) The Greek national focal point is located within the University Mental Health Research Institute and operates as the National Centre of Documentation and Information on Drugs.

alcoholic beverages and 92,5% of them have consumed alcohol once in their life. Regarding abuse of narcotic substances, approximately 1 out of 6 students (15,9%) have used such substances in their life.<sup>132</sup> Taking into account the results of the [Survey](#) and the poor data collection in this direction, the National Commission underlines the need for a coherent and continuous preventive policy targeted at children and teenagers following the Guidelines of the [EU Drugs Strategy 2021-2025](#). To this end, the National Commission calls upon both the competent authorities and Organisations activated in the field to design and implement a new National Drug Strategy aiming to the healthy and safe development of children and young people and to the reduction of the use of illicit drugs, with an emphasis on comprehensive prevention strategies.<sup>133</sup> In particular, the Strategy must be a good basis for an evidence-based, integrated, balanced and multidisciplinary approach to the drugs phenomenon at national level.<sup>134</sup>

### **Plans to address baby abandonment, foster care and adoption**

The GNCHR appreciates the implementation of a Program called First Hug introduced in 2016 by the Social Welfare Centre of the Prefecture of Attica that focuses on the most vulnerable children, notably babies abandoned in hospitals. For the first time, all the babies concerned were directly put in foster families, without prior institutionalisation. The program was accompanied by a big awareness campaign, aiming at attracting prospective foster parents. The GNCHR welcomed also Law 4538/2018 *Measures to promote the Institutions of Adoption and Adoption and other provisions*, that modified existing the legal framework of state adoptions.<sup>135</sup> The new Law prioritises foster care as an alternative care model, aiming at the gradual deinstitutionalization of children living in care facilities and institutions across the country through transparent and accelerated procedures. It should be clarified that in Greece there are three categories of adoptions, namely the private, the state and the transnational

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<sup>132</sup> 'Pan-Hellenic [Survey on Students Population in Schools regarding Substance Abuse and other Addictive Behaviors](#)', (2019) implemented by the [Research University Institute of Mental Health](#), Neuroscience & Medicine Precision "KOSTAS STEFANIS" in cooperation with the Psychological Health Department of the National Kapodistriako University (EKPA) and supported by the [European School Survey Project on Alcohol & Other Drugs](#) (ESPAD) and the [European Monitoring Centre for Drugs & Drug Addiction](#). The Survey is part of the [ESPAD Report 2019](#) Results from the European School Survey Project on Alcohol and Other Drugs.

<sup>133</sup> See [EU Drugs Strategy 2021-2025](#), 14178/18.12.2020. Among the Stakeholders activating in the field are [Organization against Drugs](#) (OKANA) and [KETHEA](#) the Therapy Center for Dependent Individuals is the largest rehabilitation and social reintegration network in Greece.

<sup>134</sup> See [EU Drugs Strategy 2021-2025](#), 14178/18.12.2020.

<sup>135</sup> Law 4538/2019, (OGG 85/A' 16.05.2018). See also [Press Release](#) Office of the Ministry of Labor and Social Affairs, [UNICEF Greece Country Office Press Release](#): UNICEF and the Ministry of Social Affairs announce the launch of a foster care campaign in Greece.

adoption.<sup>136</sup> Before the new legislative framework, the number of adoptions per year in Greece was significant low according to data from the Social Welfare Center of the Attica Region and the Hellenic Statistical Authority (ELSTAT),<sup>137</sup> due to the disproportionate long adoption procedures run before the implementation of the current law 4538/2018. In particular, today, about 250 children are adopted in Greece every year, while at the same time in public and private institutions it is estimated that there are 1500 children. Parallely, Child Protection Institutions - Orphanages are estimated at 82 units throughout Greece, according to a recent count.<sup>138</sup> The GNCHR, in line with the CRC 2012 Concluding Observations (COBs, par. 42. b and 44. b), according to which institutionalization is used only as a measure of last resort,<sup>139</sup> draws the attention of the competent authorities to the need for systematic monitoring of the situation of children in institutions or in foster care, given that in Greece institutional care is the first response when a child is being separated from his or her family and family and recommends the authorities to undertake the concrete measures to the essential transition from the institutional care model to a family and community based model of alternative care.

Finally, the GNCHR values greatly the fact that for the first time, couples of same sex that have signed a civil partnership are allowed to become foster parents. However, it regrets that the new Law does not extend the right for adoption to same-sex couples, since the Law provisions do not explicitly extend the right for joint adoption to parties of a civil partnership.<sup>140</sup> The GNCHR bearing in mind its positions regarding the wide variety of family patterns,<sup>141</sup> points

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<sup>136</sup> Private adoptions, take place by mutual consent of foster parents and natural parents without the involvement of a social organization. Transnational adoptions is the case when Greek citizens adopt a minor born abroad with Foreign Court Order (For more details see the official website of the Ministry of Interior: <https://www.ypes.gr/en/adoptions/>). See also relevant articles: Greek Reporter, [Adoption Procedures in Greece Updated and Streamlined](#), Philip Chrysopoulos 15.3.2019, Attica Lawyers, 18.2.2020, [Adoption in the Greek legal system](#).

<sup>137</sup> Hellenic Statistical Authority, [Press Release 2018](#) and [Press Release 2020](#): In 2014 361 children were adopted, in 2015 271 children were adopted, in 2016 221 children were adopted, in 2017 393 children were adopted, in 2018 333 children were adopted, in 2019 283 children were adopted and in 2020 217 children were adopted. These numbers relate to the acts of adoption and are based on the judicial decisions recorded throughout Greece during one calendar year.

<sup>138</sup> See [newspost.gr Adoption in Greece: What the new law stipulates, its innovations](#), 20.9.2021, Mirella Kastrioti.

<sup>139</sup> CRC, Consideration of reports submitted by States parties under article 44 of the Convention, Concluding observations: Greece, 13 August 2012, [CRC/C/GRC/CO/2-3](#), par. 42. b and 44. b.

<sup>140</sup> District of Western Greece, [Adoption and Fostercare today](#), Criteria & conditions in case of adoptive and foster parents, Renia Spyridonos, 2020, p. 17, GNCHR, [Memo](#) to the Committee for the drafting of the National Equality Strategy of LGBTQI+, 25 June 2021 [in Greek], GNCHR's Observations on Draft Law of Ministry of Justice "Reforms regarding parent-child relationships and other family law issues" - [Summary in English](#), 31.3.2021.

<sup>141</sup> GNCHR, [Memo](#) to the Committee for the drafting of the National Equality Strategy of LGBTQI+, 25 June 2021 [in Greek], GNCHR's Observations on Draft Law of Ministry of Justice "Reforms regarding parent-child relationships and other family law issues" - [Summary in English](#), 31.3.2021.

out the need for the law to broaden the narrow definition of “family” by including LGBTQI+ families and to revise the concept of marriage, including individuals that unite their lives in a life relationship, by setting out the appropriate implementing measures in line with the Union of Equality: LGBTQI Equality Strategy 2020-2025, so that children living in “rainbow” families enjoy the right to equal treatment and respect for their family life. In this regard, the EU Commission has advocated for the right of same-sex couples to adopt children and has called on EU member states to promote new legislation that recognizes different family schemes, such as same-sex couples with children.

### **National Registry for Minors living in Institutions**

The GNCHR welcomes the establishment of a National Registry for Minors provided also in the framework of Law 4538/2018,<sup>142</sup> in which every child living in an Institution, run by public, private or non-profit entities, and every child about to be adopted or placed in a foster family is registered and through which prospective foster parents can receive information and support. Additionally, according to the Law every legal entity under public or private law is obliged to register its children in this National Registry. The new Adoption-Foster Care system together with the Registry, which is already in operation, have been accompanied by information, promotion and awareness-raising actions, *inter alia*, in collaboration with UNICEF in the framework of the implementation of the pilot program “Child Guarantee” of the European Commission - to find in our country “A family for every child”.<sup>143</sup> The two-year Child Guarantee programme in Greece is comprised of six integrated actions/pillars, where the 1<sup>st</sup> of the six Pillars of the programme targets at supporting deinstitutionalization and strengthening community-based care.<sup>144</sup>

However, the GNHR stresses that, despite the fact that National Registers are already in operation, data or statistics on transnational / international adoptions are not yet registered on the online platform. With regard to the necessary measures required to be implemented in the framework of the relevant Law, the GNCHR calls upon the State authorities to strengthen the operation of online platforms and provide reliable data on all the categories of adoption procedures in order to ensure that adoptions are carried out in a transparent and legal

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<sup>142</sup> Law 4538/2018 “Measures to promote the Institution of Foster Care and Adoption and other provisions” (OGG A 85/16.05.2018).

<sup>143</sup> Press Release: [UNICEF and MoLSA announce pilot programme in Greece to fight child poverty and social exclusion](#), supported by the European Commission, 24.3.2021 EU and UNICEF pilot program, Phase III of European Child Guarantee, Programmatic Update, Greece, June 2021, p. 10, Press Release: [UNICEF and the Ministry of Social Affairs announce the launch of a foster care campaign in Greece](#), Press Statement by the Deputy Minister of Labor & Social Affairs, Domna Michailidou, 26. May 2021.

<sup>144</sup> Press Release: [UNICEF and MoLSA announce pilot programme in Greece to fight child poverty and social exclusion](#), supported by the European Commission, 24.3.2021.

manner to the benefit of the children and families concerned. Moreover, the GNCHR, within its advisory, monitoring and consulting role to the State pertaining to the promotion and protection of human rights, raises the attention of the competent State authorities to follow and review the operation of the National Registry in accordance with the principles of cooperation, transparency and accountability through efficient control mechanisms.

### **Composition of the Youth Parliament (YP) and how the representation of children of different origins and children with disabilities is ensured in YP and Students Councils**

The GNCHR notes that according to the current legal framework, a [Youth Parliament](#), which exist since 1995, it does not include a legal scheme for children with disabilities. While one might expect that children with disabilities and/or chronic diseases participate in the existing Youth Parliament (YP), unfortunately, this does not apply. Furthermore, it needs to be pointed out here that the “Youth Parliament” takes place at the building of the Greek Parliament, which is not fully accessible to persons with disabilities and especially for persons with mobility disabilities.

As far as secondary education mainstream schools, pupils with disabilities can participate in the elections for the 15-member student councils. As for the secondary special education schools, the electoral procedure also takes place in most of them. However, the purpose of Youth Parliament is mainly to familiarize pupils with disabilities with election procedures by encouraging their participation. The GNCHR regrets that according to the official page of the Youth Parliament (YP), it has suspended its work due to the Covid-19 pandemic.

11. Please specify progress in addressing exclusion and poverty among Roma children and the impact of the measures taken on their access to food, water, housing, education, healthcare and to change the negative attitudes. Specify measures taken to tackle underreporting of discrimination and violence against Roma children and provide relevant statistics. Specify school enrolment, completion and dropout rates among Roma children. Clarify which body is responsible for Roma inclusion.

### **Education of Roma children**

The limited access of Roma children to school and their limited enrolment, despite several actions undertaken by the State authorities, has been a major issue.<sup>145</sup> In practice, according

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<sup>145</sup> [GNCHR Submission to UNCRC](#), January 2020, p. 17, 47-48, [GNCHR Observations](#) on Greece's combined 23rd and 24th periodic report to the Committee on the Elimination of Racial Discrimination (CERD), July 2021, [GNCHR Submission](#) to the UN Human Rights Committee on the List of Issues Prior to Reporting for the Third periodic examination of Greece under the International Covenant on Civil and Political Rights (CCPR), September 2021, [GNCHR Written Information](#) in relation to the implementation of the International Convention on the

to the information of ELLAN PASSE from the field,<sup>146</sup> school Headmasters often do not allow enrollment of Roma children residing in that school area, either because they are not informed about the relevant circulars or they do not apply the law provisions in cases of lack of a permanent residence certificate or any other document proving the home address. The situation deteriorated by the measures taken to address the COVID-19 pandemic and the implied school closure.<sup>147</sup> The GNCHR has repeatedly stressed the importance of ensuring the protection of Roma children and called for the confrontation of alarming cases that irrefutably violate the rights of Roma children.<sup>148</sup> In particular, as far as Roma children are concerned, the views of the UN Committee on the Rights of the Child in its Concluding Observations for Greece, regarding the segregation and the very poor education for Roma children, remain regrettably, as the GNCHR has pointed out above, contemporary.<sup>149</sup>

The GNCHR taking into account the lack of measures focused to the improvement of the situation, agrees with the findings of the Ombudsman<sup>150</sup> and highlights the need to ensure for Roma children the equal enjoyment of their rights to health, education, housing, labour and social participation. Especially towards the integration of Roma children into the educational procedure, the GNCHR reiterates the importance of the registration and documentation of the specific school population in every region and the collection of all relevant data on Roma communities. Furthermore, pertaining to segregation practices in education, the GNCHR reiterates that they are unacceptable. Finally, the GNCHR once again reminds all concerned the ECtHR judgments against Greece regarding the segregation of Roma children, which recognised that the placement of Roma children in special classes located in an annex of the main school building amounted to discrimination,<sup>151</sup> and illustrates the need to take

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Elimination of all forms of Racial Discrimination (ICERD) in Greece, July 2016, p. 17, CoE, ECRI [Report](#) on Greece (fifth monitoring cycle), February 2015, par. 106-109 and 114.

<sup>146</sup> See ELLAN PASSE Contribution to the GNCHR Report, 10.12.2021.

<sup>147</sup> GNCHR [Observations](#) on Greece's combined 23rd and 24th periodic report to the Committee on the Elimination of Racial Discrimination (CERD), July 2021.

<sup>148</sup> [GNCHR Submission to UNCRC](#), January 2020, GNCHR [Observations](#) on Greece's combined 23rd and 24th periodic report to the Committee on the Elimination of Racial Discrimination (CERD), July 2021, GNCHR [Submission](#) to the UN Human Rights Committee on the List of Issues Prior to Reporting for the Third periodic examination of Greece under the International Covenant on Civil and Political Rights (CCPR), September 2021, GNCHR [Written Information](#) in relation to the implementation of the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) in Greece, July 2016, p. 16-17, CoE, ECRI [Report](#) on Greece (fifth monitoring cycle), February 2015, par. 106-109 and 114.

<sup>149</sup> See also GNCHR [Observations](#) on Greece's combined 23rd and 24th periodic report to the Committee on the Elimination of Racial Discrimination (CERD), July 2021, GNCHR, [Written Information](#) in relation to the implementation of the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) in Greece, July 2016, p. 17.

<sup>150</sup> Ombudsman, [Press Release: The Ombudsman calls for immediate measures for the protection of minors and the social inclusion of Roma](#), 24 October 2013.

<sup>151</sup> ECtHR, *Sampanis and Others v. Greece*, No. 32526/05, 5 June 2008

immediate action in order to combat antigypsyism and secure access to desegregated, inclusive education for all pupils.<sup>152</sup>

### **The issues of pending civil registration and acquisition of Greek citizenship**

The GNCHR welcomed the provisions of Art. 62 of Law 4554/2018 providing for a procedure for identification of mothers, who cannot prove their identity, and for birth registration procedure. However, the issue of the pending civil registration of a large number of Greek Roma remains in practice unsettled.<sup>153</sup> Due to the fact that births often do not take place in a hospital and therefore are not declared, Roma children do not have a birth certificate and thus no access to the education. Moreover they later face the challenge their own children to be children of stateless parents born in Greece.<sup>154</sup> The settlement of the process would further contribute to the social inclusion of Roma and thus to the prevention and combating social exclusion and marginalization of the Roma. The problem has been pointed out in its Concluding Remarks on Greece by the UN Committee on the Rights of the Child since 2012, while the State itself acknowledges this administrative challenge in par. 72 in its respective Report.<sup>155</sup>

Additionally, the GNCHR has repeatedly expressed its strong concerns in this direction, especially to the extent that settlement of the registration is the main condition for proving or acquiring Greek citizenship.<sup>156</sup> In particular, in its recent Observations on Law 4604/2019 by the Ministry of Internal Affairs.<sup>157</sup> the GNCHR underlined the need to facilitate the acquisition

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<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-86797>

<sup>152</sup> ECtHR, *Lavida and others v. Greece* [No 7973/10], 30.8.2013; *Sampani and others v. Greece* [No 59608/09], 29.4.2013, *Sampanis and others v. Greece* [No 32526/05], June 2008. See also CoE, ECRI [Report](#) on Greece (fifth monitoring cycle), February 2015, par. 106-109.

<sup>153</sup> See ELLAN PASSE Contribution to the GNCHR Report, 10.12.2021, GNCHR [Contribution](#) to the elaboration of the new Roma Inclusion National Strategy 2021-2027, 8 March 2021 [in Greek], p. 19-20, [GNCHR Submission to UNCRC](#), January 2020, Written [Information](#) submitted by the GNCHR in relation to the implementation of the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) in Greece, 2016, p. 16, GNCHR [Submission](#) to the United Nations Human Rights Committee: NHRI report on Greece's 2nd periodic report under the International Covenant on Civil and Political Rights (ICCPR), 2015, p. 10.

<sup>154</sup> See GNCHR [Contribution](#) to the elaboration of the new Roma Inclusion National Strategy 2021-2027, 8 March 2021 [in Greek], p. 19-20.

<sup>155</sup> UN, Committee on the Rights of the Child, [Concluding Observations: Greece](#), CRC/C/GRC/CO/2-3, 13.8.2012, par. 32-33 and 71.

<sup>156</sup> GNCHR [Contribution](#) to the elaboration of the new Roma Inclusion National Strategy 2021-2027, 8 March 2021 [in Greek], p. 19-20, [GNCHR Submission to UNCRC](#), January 2020, Written [Information](#) submitted by the GNCHR in relation to the implementation of the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) in Greece, 2016, p. 16, GNCHR [Submission](#) to the United Nations Human Rights Committee: NHRI report on Greece's 2nd periodic report under the International Covenant on Civil and Political Rights (ICCPR), 2015, p. 10.

<sup>157</sup> GNCHR [Observations](#) on draft Law "Promotion of substantial gender equality, prevention and combating gender-based violence - Provisions for Greek citizenship - Provisions for local government elections - Other provisions" (OGG 50/A/26.03.2019).

of Greek citizenship for those Roma people, who remain unregistered and who, in order to apply for citizenship, have to follow a long-term and expensive judicial procedure for the issuance of the legal documents required by law in cases of pending civil registrations pursuant to Article 1 par. 2 KEI. While the GNCHR's proposals were accepted by the national legislator and the law provided, for the first time, for the recognition of Greek citizenship for stateless Roma and their consequent civil registration settlement (article 46 of Law 4604/2019), a subsequent amendment by Law 4674/2020,<sup>158</sup> abolished the favorable provisions before they start being implemented (article 40 of Law 4674/2020).<sup>159</sup> The GNCHR recommends to the Greek Government to take the necessary measures to facilitate the acquisition of Greek citizenship for the stateless Roma people.

### **The specific situation of Roma population and the impact of Covid-19 pandemic**

The GNCHR has repeatedly expressed its deep concerns with regard to the specific situation of Roma people in Greece and the need for promoting and respecting their rights.<sup>160</sup> concerns similar with those reported by CERD in its 2016 Concluding Observations.<sup>161</sup> Unfortunately, the COVID-19 pandemic affected disproportionately the current situation and revealed the socioeconomic exclusion in the daily lives of Roma.<sup>162</sup> The GNCHR closely monitoring the Greek Government's series of measures in response to the pandemic, issued two Covid-19 Reports in order to assess the impact of the measures on the enjoyment of human rights and on the rights of vulnerable groups including, among others, Roma.<sup>163</sup> In this regard and also

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<sup>158</sup> "Strategic development perspective of the Local Government Organizations, provisions for the competence of the Ministry of Interior and other provisions" (OGG 53/A/11-3-2020).

<sup>159</sup> GNCHR [Submission](#) to the UN Human Rights Committee on the List of Issues Prior to Reporting for the Third periodic examination of Greece under the International Covenant on Civil and Political Rights (CCPR), September 2021.

<sup>160</sup> See GNCHR website: [ROMA \(nchr.gr\)](#). See also GNCHR [Contribution](#) to the elaboration of the new Roma Inclusion National Strategy 2021-2027, 8 March 2021 [in Greek], FRA The survey's first 'Data in Focus' [report](#) on the Roma, April 2009, FRA EU-MIDIS at a glance Introduction to the FRA's EU-wide discrimination [survey](#), 2009, FRA EU-MIDIS II, Second European Union Minorities and Discrimination [Survey](#) Roma – Selected findings, 2016.

<sup>161</sup> CERD, Concluding observations on the twentieth to twenty-second periodic reports of Greece, 3 October 2016, [CERD/C/GRC/CO/20-22](#), par. 20-21.

<sup>162</sup> This situation is also reflected in a recent question submitted for written answer, in the framework of parliamentary control, by a member of the governing party to the Minister of Labour and Social Affairs which elaborated the National Strategy on Roma Social Inclusion (Prot. Nr. 6816/24.5.2021). In particular, the effectiveness of the measures taken for the implementation of National Strategy on Roma Social Inclusion 2014-2020 with regard to housing, employment, access to water and electricity supplies as well as the census of Roma population has been put under question.

<sup>163</sup> GNCHR [Report](#) on the need for protection of human rights with regard to the measures taken in response to the coronavirus (COVID-19) pandemic and recommendations to the State. Description of the issues discussed in the Plenary Meetings during the lockdown Meetings of 8th, 22nd, 29th of April and of 6th May 2020, 12 June 2020, GNCHR [Report](#) regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, 5 July 2021 [in Greek], GNCHR Extraordinary times call for extraordinary responses: [Summary](#) of Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights, 12 July 2021.

in line with the relevant recommendations of all international and European human rights mechanisms, mandates or bodies, which highlight that poverty, social exclusion and marginalization have excessively affected Roma comparing to other vulnerable groups during the pandemic,<sup>164</sup> the GNCHR focused the interest in its first Covid-19 Report on the established problems in Roma neighborhoods. In particular, the GNCHR emphasised in its first Covid-19 Report the specific needs of Roma people, such as access to health, water supply, electricity, waste disposal.<sup>165</sup> In some areas (Xanthi, Larissa) many families have even faced serious obstacles related to food supply and hygiene. The GNCHR has welcomed the financial support measures to 98 Roma municipalities for medical supplies and equipment to their communities to this end. In its second Covid-19 Report, the GNCHR reiterated its worries about the negative impact of the pandemic on Roma populations in the country.<sup>166</sup> Especially, the Report underlines the need to ensure access to clean drinking water, sufficient to cover all the water supply needs of the population, safe sewage disposal and supply of electricity, medicine, food and to all basic social services. Moreover, given the fact that 96% of the entire Roma population in Greece has incomes below the national income poverty threshold,<sup>167</sup> while the majority of them work in trade and tourism services, both sectors suffered serious damage, they remained practically unemployed and in some Roma neighborhoods (Larisa, West Achaia) with almost zero economic activity.<sup>168</sup> Likewise, the distance-learning measures deteriorated further the already lowest proportion of Roma in formal education.<sup>169</sup> In this

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<sup>164</sup> ECRI, [Annual Report](#) of ECRI's activities covering the period from 1 January to 31 December 2020, March 2021, σελ. 9. Βλ. έτσι και Council of the EU, [Council conclusions](#) on a human-rights based post-COVID-19 recovery, approved by the Council at its 3785<sup>th</sup> meeting held on 22 February 2021, 22 February 2021; European Commission, [EU Roma strategic framework for equality, inclusion and participation for 2020 – 2030](#), COM(2020) 620 final, 7.10.2020, p. 2, CERD, [Statement 3 \(2020\)](#), Prevention of Racial Discrimination, including Early Warning and Urgent Action Procedures. Statement on the Coronavirus (COVID-19) pandemic and its implications under the International Convention on the Elimination of All Forms of Racial Discrimination, 4-7 August 2020; CESCR, [Statement](#) on the Coronavirus disease (COVID-19) pandemic and economic, social and cultural rights. Statement by the Committee on Economic, Social and Cultural Rights, E/C.12/2020/1, 6 April 2020; FRA, [Bulletin #5: Coronavirus Pandemic in the EU – Impact on Roma and Travellers](#), 1 March – 30 June 2020; UN OHCHR, COVID-19 Response, [Guidance COVID-19](#), 13 May 2020.

<sup>165</sup> GNCHR [Report](#) on the need for protection of human rights with regard to the measures taken in response to the coronavirus (COVID-19) pandemic and recommendations to the State. Description of the issues discussed in the Plenary Meetings during the lockdown Meetings of 8th, 22nd, 29th of April and of 6th May 2020, 12 June 2020.

<sup>166</sup> GNCHR [Report](#) regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, 5 July 2021 [in Greek], GNCHR Extraordinary times call for extraordinary responses: [Summary](#) of Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights, 12 July 2021.

<sup>167</sup> FRA, EU-MIDIS II, Second European Union Minorities and Discrimination [Survey](#) Roma – Selected findings, 2016, p.14.

<sup>168</sup> See ELLAN PASSE, Contribution to the GNCHR Report regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, May 2021.

<sup>169</sup> FRA, EU-MIDIS II, Second European Union Minorities and Discrimination [Survey](#) Roma – Selected findings, 2016, p. 29.

respect, the GNCHR points out the urgent need for protection of the right to education of Roma children, notably in times of crisis, as the unprecedented crisis of the pandemic. As a result of distance-learning measures, most of Roma children had no access to education, since they live in informal settlements and encampments without access, or adequate access, to the internet or information technology (IT) equipment, in order to benefit from online distance-learning.<sup>170</sup>

The GNCHR was notified in 27.11.2020 with a letter submitted by the ELLAN PASSE, which appoints a representative in the GNCHR Plenary, to the Minister of Education and Religious Affairs, claiming that Roma children are in practice excluded from distance-learning and calling upon the competent authorities to ensure equal access of all Roma children to education and school attendance as a key for progress in the social inclusion of Roma.<sup>171</sup> Relevant recommendations had addressed the CRC Committee to the Greek Government, calling upon the State authorities to ensure that Roma have equal access to quality education.<sup>172</sup> Besides, school segregation remains still a problem despite the legal prohibition of this practice and the case law of the European Court of Human Rights,<sup>173</sup> according to which Greece systematically violated the right of Roma children to inclusive education and failed in adopting measures towards the inclusion of those children to the national education system.<sup>174</sup> A positive development to this direction is the issuance by the competent Prosecutor's Office in Kalamata of a penal order, which making explicit reference to the ECtHR *Sampanis and Others v. Greece* case (Application no: 59608/09), requires that online education measures ensure access to education for all children and provide at same time the

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<sup>170</sup> GNCHR [Report](#) regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, 5 July 2021, ECRI, [Annual Report](#) of ECRI's activities covering the period from 1 January to 31 December 2020, March 2021, p. 9.

<sup>171</sup> According to the letter, the Pan-Hellenic Confederation of Greek Roma ELLAN PASSE (hereinafter ELLAN PASSE) calls upon the Minister, among others, to draw up an action plan for equal access of all Roma children to the educational process and to ensure for this purpose the necessary child budgeting. The GNCHR closely monitors the progress made by the authorities to this end. Previously ELLAN PASSE, in its 12.10.2020 Memo to the GNCHR, has stressed the great importance for Roma women, who often quit school to enter into an early marriage and childbirth to attend second chance schools along with their children.

<sup>172</sup> UN, Committee on the Rights of the Child, [Concluding Observations: Greece](#), CRC/C/GRC/CO/2-3, 13.8.2012, par. 26-27.

<sup>173</sup> FRA, EU-MIDIS II, Second European Union Minorities and Discrimination [Survey](#) Roma – Selected findings, 2016, p.10

<sup>174</sup> ECtHR, *Sampanis and Others v. Greece*, [Application No. 32526/05], 5.6.2008 and [Application no: 59608/09], 11.12.2012, and ECtHR, *Lavida and Others v. Greece* [Application No. 7973/10], 30.8.2013. According to the court decisions, “*despite the authorities’ willingness to provide schooling for the Romani children, the arrangements for registering the children in question at school and their assignment in special preparatory classes – hosted in an annex to the main building of the school – has definitively resulted in discrimination*”. See also [GNCHR Submission to UNCRC](#), January 2020, 30-31, 48.

necessary resources and/or devices to that end.<sup>175</sup> Bearing in mind the above mentioned, the GNCHR shares the ELLAN PASSE reports that many Roma communities across the country have been and continue to be in a severe humanitarian crisis.<sup>176</sup> Furthermore, the GNCHR shares the Concluding Observations of CERD, which has drawn, since 2016, to the attention of the Greek authorities its concerns about the deficiencies and inequalities in case of Roma in different areas (particularly economy, health care, housing, social policy and education) and further recommended addressing the problem both in the short-term and in a sustained manner through effectively coordinating actions at the national, regional and local levels<sup>177</sup>. The GNCHR encourages the competent State authorities to ensure the effective implementation of the existing anti-racism regulatory framework in practice.

### **Incidents of alleged police violence against Roma people**

The GNCHR closely monitoring the increase of incidents of police violence abuse and brutality with regard to Roma population, remains deeply concerned. The latest shoot of a 18-year-old Roma and the bullet injury of a 16-year-old passenger, also Roma, after a car chase on October 22nd 2021 by seven officers involved, raise questions regarding police brutality, bigotry and racial discrimination.<sup>178</sup> Besides, the GNCHR was notified by ELLAN PASSE of incidents of police impunity and violence abuse, that took place, pursuant to witnesses testimonies, in a Roma camp in Zevgolatio in Corinth in 7.7.2021, during a Police operation.<sup>179</sup> Indeed, the frequency of the cases, which makes the phenomenon seem systemic, the court delays and the judicial leniency in some cases,<sup>180</sup> result in a regime of substantial impunity.

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<sup>175</sup> In particular, following a request from ELLAN PASSE in collaboration with the association of Greek Gypsies (Halkidaioi) of Agia Triada in Kalamata, the competent Prosecutor's Office proceeded with a penal order, pursuant to the ECtHR decision (Application 59608/09) [case of Sampani and others vs Greece](#) (par. 75 of the ratio of the decision), setting out that in order for the right to education to be essentially implemented, it must be first provided regardless of the circumstances. The ECHR, which is supra-legislative, shall be strictly implemented [...]. In this framework, distance-learning measures shall ensure access to the education providing at same time the necessary resources to that end. See ELLAN PASSE Contribution to the GNCHR Report, May 2021.

<sup>176</sup> ELLAN PASSE, Contribution to the GNCHR regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, May 2021.

<sup>177</sup> See CERD, Concluding observations on the twentieth to twenty-second periodic reports of Greece, 3 October 2016, [CERD/C/GRC/CO/20-22](#), par. 20-21.

<sup>178</sup> See Panhellenic Confederation of the Greek Roma ELLAN PASSE, [Press Release](#): Ten open and relentless questions regarding the murder of the 18-year-old Roma [in Greek], October 2021; Panhellenic Confederation of the Greek Roma ELLAN PASSE, [Press Release](#): Proposals from ELLAN PASSE to combat crime and antigypsyism and achieving social cohesion and peace [in Greek], November 2021.

<sup>179</sup> ELLAN PASSE Letter to the Minister of Citizen Protection (Prot. Nr. 633/09-07-2021). In this regard ELLAN PASSE convicted the incidents and called upon the authorities to end police impunity and combat antigypsyism.

<sup>180</sup> GNCHR [Report](#) and Proposals on issues related to the situation and the rights of the Gypsies in Greece, 2009 [in Greek].

In addition to the above mentioned, the GNCHR remains further concerned with the rise of incidents of alleged police violence towards Roma people during the pandemic. In this regard, the National Commission in its last Covid-19 Report, taking into account the Police extensive powers for monitoring the compliance with Coronavirus emergency measures in connection with allegations for unjustified use of force and violence by police officers (recent incidents in Aspropyrgos, Larissa, Agia Sofia in Thessaloniki),<sup>181</sup> drew once again the attention of the competent authorities to the need to avoid police violence and arbitrariness against Roma citizens.<sup>182</sup> Moreover, the GNCHR reiterates in its observations in its Covid-19 Report that the Police forces are obliged to use their currently extensive powers in compliance with their mandate and in order to serve and protect citizens, while respecting their fundamental freedoms and human rights.<sup>183</sup> At this point, the GNCHR shares the CERD's recommendations,<sup>184</sup> highlights the importance of proper, initial and periodic training and retraining of law enforcement officers on human rights and welcomes the Prime Minister's announcement for a comprehensive upgrade of police studies to this end.

### **Roma Inclusion National Strategy 2021-2027<sup>185</sup>**

A positive step is the launch by the General Secretariat for Social Solidarity and Fight Against Poverty of the Ministry of Labour and Social Affairs of the elaboration process of the new Roma Inclusion National Strategy 2021-2027. The GNCHR applauds the timely notification on the content of the Roma Inclusion National Strategy 2021-2027 in order to provide its expert views as the independent advisory body to the State on all matters pertaining to human rights protection and promotion and the National Human Rights Institution in Greece.<sup>186</sup> The GNCHR, fully aware of its mission, notified to the Ministry its observations and proposals and at the same time suggested providing awareness-raising, information and training activities to

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<sup>181</sup> ELLAN PASSE, Contribution to the GNCHR Report regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, May 2021.

<sup>182</sup> GNCHR [Report](#) regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, 5 July 2021 [in Greek], GNCHR Extraordinary times call for extraordinary responses: [Summary](#) of Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights, 12 July 2021.

<sup>183</sup> GNCHR [Report](#) regarding the impact of the pandemic and the measures taken to address it on human rights. Extraordinary times call for extraordinary responses, 5 July 2021 [in Greek], GNCHR Extraordinary times call for extraordinary responses: [Summary](#) of Recommendations to the State regarding the impact of the pandemic and the measures taken to address it on human rights, 12 July 2021.

<sup>184</sup> See CERD, Concluding observations on the twentieth to twenty-second periodic reports of Greece, 3 October 2016, [CERD/C/GRC/CO/20-22](#), par. 21.

<sup>185</sup> GNCHR [Contribution](#) to the elaboration of the new Roma Inclusion National Strategy 2021-2027, 8 March 2021 [in Greek].

<sup>186</sup> Letter to the GNCHR by the General Secretariat for Social Solidarity and Fight Against Poverty of the Ministry of Labour and Social Affairs (Prot. Nr. 756/11.2.2021).

this direction.<sup>187</sup> Likewise the GNCHR welcomes the involvement in the process of the civil society, such as ELLAN PASSE, which is also in line with the observation of CERD to improve both monitoring and accountability mechanisms and the representation of Roma in those mechanisms.<sup>188</sup>

Furthermore, the GNCHR appreciates the fact that the new National Strategy is in line with the proposals and findings of the European Commission in its Communication to the European Parliament and the Council concerning the new EU Roma strategic framework for 2020-2030, promoting effective equality, socio-economic inclusion and meaningful participation of Roma<sup>189</sup>, which further requires a strengthened commitment necessary to tackle persistent discrimination, including antigypsyism, and to improve inclusion of Roma people in education, employment, health and housing. Moreover the GNCHR underlines here that the substantial participation of the Greek Roma through their Representatives, Roma local associations and federations and the Roma community itself, must be ensured at all stages of policy-making, design, implementation, monitoring and evaluation of measures, actions and policies, so to effectively address their challenges and needs.<sup>190</sup>

As far as the monitoring and evaluation of measures, actions and policies is concerned, the GNCHR deplores the absence of a comprehensive evaluation of the actions and implementation measures of the Roma National Strategy 2012-2020, reiterating at the same time its positions on the importance of indicators in measuring the progress of Roma equality, inclusion and participation and thus facilitating the reporting.<sup>191</sup> From this point of view, the GNCHR suggests to the competent authorities and stakeholders to take advantage from the findings of the evaluation of the previous EU Framework for National Roma Integration Strategies in 2018 and develop a set of indicators following the model developed by the European Commission (structural indicators, process indicators, outcomes or result indicators).<sup>192</sup>

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<sup>187</sup> GNCHR [Contribution](#) to the elaboration of the new Roma Inclusion National Strategy 2021-2027, 8 March 2021 [in Greek].

<sup>188</sup> CERD, Concluding observations on the twentieth to twenty-second periodic reports of Greece, 3 October 2016, [CERD/C/GRC/CO/20-22](#), par. 21.

<sup>189</sup> [COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL A Union of Equality: EU Roma strategic framework for equality, inclusion and participation](#), COM(2020) 620 final, [ANNEX I](#), [ANNEX II](#).

<sup>190</sup> See also Report of Civil Society Organizations for the implementation of the National Strategies for the Integration of the Roma in Greece, Evaluating progress in the four key policy areas of the National Strategy, 2018

<sup>191</sup> GNCHR Observations on the National Action National Plan of Action for Children's Rights on Children's Rights 2018-2020 (29.11.2018) [in Greek].

<sup>192</sup> [FRA Monitoring framework for an EU Roma Strategic Framework for Equality, Inclusion and Participation: Objectives and indicators](#), 2020, European Commission (2018), Communication from the Commission to the

Additionally, as the GNCHR pointed out while evaluating the results of the implementation of the "Integrated NAP for the Social Inclusion of Greek Roma 2001-2008", a key criterion for Roma social inclusion, is the establishment of legal guarantees, i.e. an integrated institutional and regulatory framework capable of ensuring the effective participation of Roma people in social life and capable of limiting at the same time those factors that could undermine implementation.<sup>193</sup> In parallel, the new Strategy is an opportunity to maintain a single coherent system for regularly collecting statistics and related data, that would feed into reporting and monitoring, improve transparency and accountability, and promote policy transfer and learning.<sup>194</sup>

Bearing in mind the above mentioned, the GNCHR remains vigilant on the situation of Roma population since, as repeatedly shown, they still face extreme poverty and are exposed to life threatening conditions. The latest Roma children deaths, one trapped in a factory gate<sup>195</sup> and other two burned due to a stood wove fire,<sup>196</sup> point directly to family neglect and thus failure of the State to provide adequate protection and implement essential integration of Roma families into the society. In this respect, the GNCHR reiterates with great concern that such incidents remain, unfortunately, underreported by mass media.<sup>197</sup> Furthermore, the National

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European Parliament and the Council – [Report on the evaluation of the EU Framework for National Roma Integration Strategies up to 2020](#), COM(2018) 785 final, Brussels, 4 December 2018.

<sup>193</sup> Written [Information](#) submitted by the GNCHR in relation to the implementation of the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) in Greece, 2016, p. 15-16.

<sup>194</sup> See [COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL A Union of Equality: EU Roma strategic framework for equality, inclusion and participation](#), COM(2020) 620 final, p. 7. The European Commission encourages Member States to consult [the European handbook on equality data \(2016 revision\)](#), [Guidelines on improving the collection and use of equality data \(2018\)](#) and [Data collection in the field of ethnicity \(2017\)](#). Member States are encouraged by the European Commission to allocate the necessary resources for such data collection and take advantage of the support of the FRA in order to strengthen their capacities to this end.

<sup>195</sup> On November 17th 2021, an 8-year-old Roma girl, was trapped in a factory gate resulting to her tragically dyeing, without anybody coming to her aid. Video footage shows the indifference of the factory personnel towards the little child, which was stuck between the metal doors and the wall for 70 minutes. See in detail: See Lifo, [Keratsini: Protest rally outside of the factory where the 8year old Olga was killed](#), 28.11.2021, Keep Talking Greece, [UPD 8-year-old Roma girl crashed twice by factory door, left there for over an hour](#), 22.11.2021, See Efsyn, [A few flowers where Olga died](#), 29.11.2021, To Vima, [Protest rally in the memory of 8year old Olga](#), 28.11.2021.

<sup>196</sup> On December 14th 2021, two Roma children burned inside their house, and their younger got seriously injured, from a fire that started from a wood working stove. See Ekathimerini, [Two children die in house fire in northwest Athens](#), 14.12.2021; Keep talking Greece, [Two children die, toddler seriously injured in house fire in Kamatero, NW Athens](#), 14.12.2021; See 902, [Two children lost their lives from a house fire](#), [in Greek], 14.12.2017

<sup>197</sup> Reporters Without Borders, [Report](#) on Greece: Dangerous cocktail for press freedom, 2021. See also GNCHR [Submission](#) to the UN Human Rights Committee on the List of Issues Prior to Reporting for the Third periodic examination of Greece under the International Covenant on Civil and Political Rights (CCPR), September 2021.



Commission reminds the Greek Government of its obligations deriving from the CRC and especially under Art. 27 (standard of living) according to which, it should ensure *the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development and take the appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance.*

Overall, the GNCHR, within its mission, continues to closely monitor the situation of Roma and the implementation of adequate measures towards their fundamental integration and calls upon the competent State authorities to launch a permanent, comprehensive and extended long-term public consultation of the Roma Inclusion National Strategy 2021-2027 with all relevant stakeholders, especially ensuring the participation of Greek Roma communities itself.